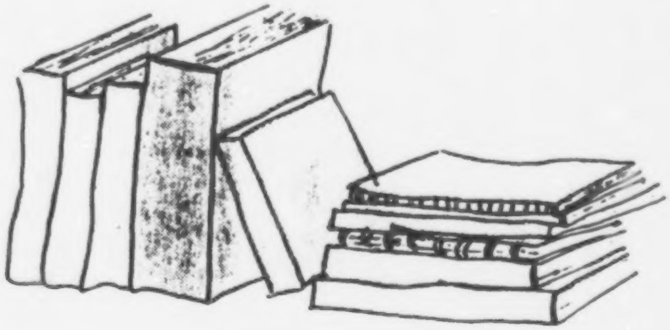
a guide to LEGISLATION relevant to PLANNING in NOVA SCOTIA



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Nova Scotia
Department of
Municipal Affairs

FOREWORD

"A Guide to Legislation Relevant to Planning in Nova Scotia" has been compiled as an information source only and is not to be substituted for Reference to the actual legislation itself.

The descriptions which are provided of the various Acts are not official interpretations and have no legal effect. The Guide contains a review of legislation only; the interpretation and exercise of statutory powers by various government departments, agencies, boards, etc. is not included.

The purpose of the guide is to assist planners and others in locating references in provincial and federal legislation which are pertinent to planning in the municipal units of Nova Scotia.

The statutes incorporating the Cities of Halifax, Dartmouth and Sydney have not been included, nor are specific statutes pertaining to particular waterfront developments, restoration areas, etc. Regulations have not been included, except for on-site sewage disposal regulations.

This Guide has been compiled with the assistance of many people in the Department. It is expected that the guide will be updated from time to time as circumstances require. Comments are welcome and should be addressed to :

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Using the Guide

A list of contents has been provided at the front of the Guide to assist readers in locating topics included.

The material in the Guide is presented by topic - the main headings appearing alphabetically in capitalized letters. Subheadings are in lower case, with sub-subheadings indented, and entirely in lower case. Subheadings and sub-subheadings are not in alphabetical order where the sense of the topic followed the order of its presentation in the legislation.

Topic headings appear in the left hand column, the relevant legislative reference is cited in the middle column and a description of the legislation is located on the right hand side of each page.

For ease of reference, the names of some Acts have been abbreviated. However, the first time an Act is referred to, the full name is given.

The term "municipality" is usually defined in each particular statute, and reference should be made to the legislation if the application is not outlined in this text. "Municipality" is generally used to refer to a city, town or rural municipality, while "rural municipality" specifically refers to a municipality of a county or district.

Appendices

To further assist the reader, Appendix "A" contains an alphabetical listing of the Acts referred to in this Guide, together with the title of the Minister charged with the administration of the statute. An effort has been made in the body of the guide to refer to the Minister responsible, in the opening paragraph of each descriptive reference.

Appendix "B" is a chart which outlines the status of planning and development control in the cities, towns, rural municipalities and incorporated villages of the province. The chart is for information purposes only and is up to date as of August, 1987. For accurate reference, the records of the appropriate municipal unit or the Department of Municipal Affairs should be consulted.

Appendix "C" contains the names and address of planning agencies which may be of further assistance to the reader.

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AGRICULTURE

Assessment and taxation

agriculture crops	Assessment Act,s.1(a)(x)	Assessable property is defined not to include growing or unharvested agriculture crops in or on land.
resource property	Assessment Act,s.1(nb)	Resource property is defined to include farm property.
taxable property	Assessment Act,s.2	Subject to certain exemptions, all assessable property and business and residential occupancy assessments are liable to taxation for all purposes for which municipal, town or city taxes and rates are levied by authority of law. Although there is authority to assess and tax for residential occupancy, this is not done in any municipal unit.
agricultural society property exempted	Assessment Act,s.3(1)	The property of an agricultural society organized under section 7 of the Agriculture and Marketing Act, except such property as is used mainly for commercial or industrial purposes, is exempt from taxation.
farm land taxation	Assessment Act,s.40A(1)	All land, excluding any buildings or structures thereon, classified as farm property is exempt from taxation. (Barns, sheds and other structures are classified as Resource property and taxed at the same rate as residential property.)
farm property - defined	Assessment Act,s.1(ea)	Farm property is defined to mean the land and complementary buildings used for agricultural purposes

Agriculture (cont'd)		but does not include any residential property and the land used in connection therewith.
- assessment	Assessment Act,s.40A(2)	Farm property is assessed as resource property partly exempt from taxation pursuant to section 34 of the Assessment Act but is separately identified and the number of acres to which this section applies is set out on the assessment roll.
provincial grant	Assessment Act, s.40A(3)(4)(5)	The Minister of Municipal Affairs is required in each year to pay to the rural municipality, town or city in which farm property is situated, a grant equal to $1.00 per acre. The grant began in 1978 and the amount of the grant could be increased by 5% per year for each subsequent municipal taxation year, unless altered pursuant to section 40A(5), which provided that the Governor in Council may by regulation change the amount of the grant effective for the taxation year 1981 and every third taxation year thereafter. The 1988 farmland acreage grant was $1.63 per acre.
change in use tax	Assessment Act, s.40A(6)-(10)	When any land or part of it to which section 40A applies ceases to be land used for agricultural purposes, section 40A ceases to apply and a change in use tax equal to 20% of the assessed value is due and payable to the rural municipality, town or city in which the land is situated. The liability for, payment, collection, and notification of assessment of the change in use tax is also provided for in the Act.

Agriculture (cont'd) appeal - change in use tax - determination land ceased to be used for agricultural purposes - determination of acreage	Assessment Act, s.40A(11)	An assessment for a change in use tax respecting farm property, or a determination that land has ceased to be used for agricultural purposes, or a determination of acreage of farm property, may be appealed in accordance with sections 77 and 78 of the Assessment Act.
Bees	Agriculture and Marketing Act,s.138	A person is prohibited from owning or keeping bees unless he and the apiary are registered with the Minister of Agriculture for the current year.
Community Pastures Board	Agriculture and Marketing Act,ss.189-191	Establishes the Community Pastures Board and empowers it, in addition to the powers otherwise possessed by a corporation; - to establish, conduct and operate community pastures at such places as deemed advisable; - to lease, hold, improve and manage land and buildings for the purposes of the Board; - to enter into and carry out agreements and arrangements for the use, improvement, management, operation and control of land and buildings; - to provide pasture privileges and services incidental thereto; - to do such other acts and things necessary or incidental to the establishment and operation of community pastures; - to engage and pay such persons as are necessary for the conduct its the affairs. The Board, with the approval of the Minister of Agriculture, may make regulations respecting its operation and the operation of community pastures.

Dairies	Agriculture and Marketing Act,ss.178,179 SEE ALSO HEALTH REGULATIONS	Prohibits any person from directly or indirectly engaging in or carrying on the business of producing, supplying, distributing, transporting, processing, or selling milk unless he is the holder of a valid license issued by the Nova Scotia Dairy Commission. A distributor is prohibited from directly or indirectly receiving milk from a producer who is not holder of a license issued by the Nova Scotia Dairy Commission. A person is also prohibited from establishing or commencing operation of a creamery, dairy, condensed milk factory, ice cream factory or cheese factory until such time as the Commission is satisfied of the financial responsibility of such person and that the establishment of such a creamery, etc., when so established will be in the public interest. A person is also prohibited from erecting a building for the purpose of conducting a creamery, dairy, condensed milk factory, ice cream factory or cheese factory until the site, plans, and specifications of such building or buildings have been approved by the Commission.
Ditches and drainage	SEE WATER	
Farm Loan Board	Agriculture and Rural Credit Act,ss.2,6,7	Provides for the establishment of the Nova Scotia Farm Loan Board and empowers it to make loans to, or guarantee loans of, a borrower for the purpose of acquiring or improving any farm, plant, machinery or equipment. It may also acquire, hold, subdivide and dispose of agricultural lands. The Farm Loan Board may be contacted at P. O. Box 550, Truro, Nova Scotia, B2N 3E3.

Fur Farms	Agriculture and Marketing Act,s.203	A person is prohibited from keeping fur-bearing animals, whether bred in captivity or not, for the purpose of preserving and breeding them unless he is a holder of a permit from the Minister of Agriculture authorizing him to do so.
	Agriculture and Marketing Act,s.202(a)	Fur-bearing animal is defined to mean mink, chinchilla, fox or rabbit.
	Agriculture and Marketing Act,s.202(b)	Fur farm is defined to mean an enclosure in which fur-bearing animals are kept in captivity and which is so constructed that it will effectively prevent ingress or egress of animals of the same species as those kept in captivity.
	Lands and Forests Act, ss.136, 133	A person, except as provided under the Agriculture and Marketing Act, requires a permit from the Minister of Lands and Forests to keep fur-bearing animals for the purpose of preserving and breeding them. Fur-bearing animals include mink, otter, muskrat, beaver, fisher, marten, fox, lynx, or any mammal valuable for its fur, except weasel, raccoon, skunk, squirrel, wildcat or wolf.
		A person also requires a permit from the Minister of Lands and Forests to keep in captivity any wild animal native to Nova Scotia.

Land Clearing and Improvement Project	SEE AGRICULTURE, Land Development Program	
Land conservation and use		
federal-provincial agreement	Agriculture and Marketing Act,ss.197,198, SEE AGRICULTURE, Land Development Program	Empowers the Minister of Agriculture, with the approval of the Governor in Council, to enter into and carry out an agreement with the Government of Canada or a Minister or agency thereof for the execution, in collaboration with that Government, Minister or agency, of work or a program of work for the protection, reclamation, conservation and improvement of agricultural land and for the more effective and economical utilization of land or for any of those purposes. When such an agreement is in effect, the Minister may enter into and carry out an agreement with any person or municipal unit for the joint execution of work or a program of work for any or all of the purposes referred to in the agreement.
municipal powers	Agriculture and Marketing Act,s.199	Enables a municipal unit to enter into and carry out an agreement with the Minister of Agriculture for any of the purposes referred to in section 197 and provides that any money required by the municipal unit for the purpose of carrying out such an agreement is for the purposes of the Municipal Affairs Act, money required for municipal purposes.

Land Conservation and Use (cont'd)

powers of the Minister	Agriculture and Marketing Act,s.200	The Minister, for the purpose of carrying out an agreement entered into under section 197, may: - acquire and use real and personal property; - construct drains, roads, break-waters, dams, ditches, canals, excavations and other works and things for the reclamation, protection, conservation or improvement of land; - make regulations respecting the use or protection of or the more effective utilization of land reclaimed, protected or improved by work performed pursuant to an agreement, and prescribe penalties for violation of those regulations; - do any other act or thing necessary or incidental to the carrying out of any such agreement.
Land Consolidation Project	SEE AGRICULTURE Land Development Program	
Land Development Program	Agriculture and Marketing, Act,s.197 Canada-Nova Scotia Agri-Food Development Agreement	In 1974, the Federal and Provincial governments entered into a General Development agreement which included a strategy to coordinate programs in the agriculture and food industry. The third of these five-year agreements will continue until 1987. One area of the provincial aspect of the agreement is the Land Development Program which is designed to expand the farm land resource base and improve and conserve such farm land already in production. The Land Development Program provides financial incentives for on-farm surface ditching, drainage systems, land forming, land clearing, construction of soil conservation works, land banking, land consoli-

Land Development Program (cont'd)		dation, improving land accessibility, environmental assessment and engineering design, and cost-benefit analysis studies.
Manure and Waste Management Guidelines	SEE NUISANCE	Permissive guidelines for manure and waste management adopted by the N. S. Federation of Agriculture to promote good agriculture practice. They apply to livestock and poultry farming operations and suggest standards and procedures for manure and waste management, the siting of new livestock buildings, and the separation of new residential development from livestock and poultry farming operations.
Marshlands	SEE MARSHES	
Nuisance	Agricultural Operations Protection Act, ss.3-5	No action in nuisance can be initiated against a farm or agricultural operation if it follows generally accepted farming practices for similar farm operations, and if it is not in breach of any enactment. No action in nuisance can be commenced unless 2 clear months notice in writing is given to the farm operation and to the Minister of Agriculture and Marketing. Provision is made to establish an investigative committee to report on each complaint.
Seed areas	Agriculture and Marketing Acts,ss.86-88 Potato Industry Act,s.2(1)	A person is prohibited from growing within any area of the province proclaimed as a pure seed area by the Governor in Council, on the recommendation of the Minister, an open pollinated seed crop of a variety other than that for which the area is proclaimed. The Governor in Council is empowered to make rules and regulations respecting seed areas.

AIRPORTS	SEE TRANSPORTATION	
AMALGAMATION	SEE ANNEXATION	
ANIMALS	SEE ALSO HEALTH REGULATIONS MUNICIPAL PLANNING STRATEGY, LAND-USE BY-LAWS	
Animals **Birds** **Kennels** **Stables**	Municipal Act,s.191(25)(30)(33)(36)	The council of a rural municipality is empowered to make by-laws providing for the regulation of dogs under the Sheep Protection and Dog Regulation Act; providing for pounds, prohibiting and regulating the running at large or trespassing of animals and providing for impounding and selling them; prohibiting or regulating the keeping of goats, pigs, foxes, mink, geese, turkeys, hens and domestic fowl and other animals with power to require that they not be allowed to go at large and to provide for impounding and destroying those found at large.
	Health Act,s.11(a),49	The Minister of Health, with the approval of the Governor in Council, may make regulations regulating stables, kennels and places where birds or animals are kept or confined. A person is prohibited from maintaining or conducting a place in which animals or birds are confined under conditions that constitute a nuisance or are likely to become a menace to the public health. Also, a permit from the Board of Health is required to have or keep for sale any bird or animal in a place, other than a residence, where foodstuffs are prepared, served or sold.

Animals (cont'd)	Towns Act,s.221(28)(29)(29A)(32)	A town council may also make by-laws providing for pounds; prohibiting or regulating animals running at large or trespassing and providing for impounding them; prohibiting or regulating the running at large of domestic fowl; and providing for the protection of persons from rabid animals.
ANNEXATION	SEE ALSO MUNICIPAL BOARD	
jurisdiction	Municipal Boundaries and Representation Act, ss.5,6,8	Provides that the Municipal Board will hear applications and make orders providing for or relating to the annexation of an area or areas to a municipal unit or the amalgamation of municipal units. The Board, in considering such applications, will consider the necessity or expediency of the order, the financial position and obligations of the municipal units affected, the burden of taxation upon the ratepayers, and all other relevant matters that in the Board's opinion are necessary or expedient.
who may apply	Municipal Boundaries and Representation Act, s.20(2)	An application for annexation or amalgamation may be made by: (a) the Minister of Municipal Affairs; (b) the council of a municipality authorized by a Resolution passed at a special meeting; (c) not fewer than 100 ratepayers in the locality of a city or town sought to be annexed or amalgamated; or (d) not fewer than 50 ratepayers in the locality of a municipality other than a city or town sought to be annexed or amalgamated.

Annexation (cont'd)

power of Board	Municipal Boundaries and Representation Act, ss.20,22	The Municipal Board may by order amalgamate a municipal unit with any other municipal unit or units or annex the whole or any area or areas of a municipal unit to another municipal unit or units. The Board is also empowered to amalgamate or annex a greater or smaller area or areas than that applied for, to order a division or redivision of a municipal unit into wards or polling districts, and to annex the remainder of a municipal unit to a contiguous municipal unit.
by-laws, effect of amalgamation	Municipal Boundaries and Representation Act, s.37	Amalgamation of two or more municipal units does not affect the by-laws then in force in each of the former municipal units and they remain in force until repealed by the council of the new municipal unit.
by-laws, effect of annexation	Municipal Boundaries and Representation Act, s.38	Unless the Municipal Board otherwise orders, where an area or a municipal unit is annexed to another municipal unit, the by-laws, ordinances and administrative orders and health regulations of the latter municipal unit apply to the area or municipal unit annexed, and the by-laws then in force in the area or municipal unit annexed cease to apply except the by-laws made under the Planning Act which remain in force until repealed by the council of the annexing municipal unit.

Annexation (cont'd)		
vote by Ratepayers	Municipal Boundaries and Representation Act, s.45	Before giving a decision or making an order on an application for incorporation of a town, annexation of a municipality or an area to a municipality, amalgamation of two or more municipalities, alteration of the boundaries of a municipality, alteration of the boundaries of wards or polling districts, or dissolution of a town, the Board may direct that a vote of the ratepayers in the locality or area affected be taken in such manner and at such time as the Board prescribes.
ASSESSMENT		
agriculture	SEE AGRICULTURE, Assessment and taxation	
forestry	SEE FORESTRY, Assessment and taxation,	
recreational land	SEE RECREATIONAL LAND, Taxation	
responsibility	Assessment Act,s.11	The Director of Assessment is responsible for the assessment of all properties that are required by the Assessment Act to be assessed. The Minister of Municipal Affairs may authorize any other person to assist the Director in carrying out his duties or to act in his stead.

BEACHES	SEE COASTAL ZONE	
BOARDS OF HEALTH	SEE ALSO HEALTH REGULATIONS, SEWAGE	
creation	Health Act,ss.5,12,14,19,20,32	A board of health is established in every municipal unit in the Province with the members being appointed by the municipal council or the Governor in Council, if the municipal council fails to do so. The Minister of Health appoints the director or the associate director of the boards of health who must be duly qualified medical practitioners, to be the medical officer for each municipal unit situated within the boundaries of the health unit for which he is appointed. The medical health officer enforces the sanitary laws of the Province, regulations and orders made by the Minister under the Health Act, and all orders or regulations of the board of health of the area for which he is the medical health officer. The establishment of joint municipal boards of health and metropolitan boards of health are also provided for.
jurisdiction	Health Act,ss.11,26	Subject to the approval of the Governor in Council, a board of health may make regulations not inconsistent with the Health Act respecting any matter upon which the Minister of Health may make regulations pursuant to Section 11 of the Health Act, i.e. water supplies; plumbing and drainage; drains, sewers, water pollution; comfort stations; garbage collection and disposal; street vending of

BOARDS OF HEALTH (cont'd) jurisdiction		food stuffs; restaurants; bottling plants; nuisances; offensive trades; sanitary conditions in places of assembly, boats, buses; sanitation and overcrowding in dwellings, inspection and regulation of camps, campsites, trailer courts, hotels, etc.; cleanliness, lighting, heating and ventilation of schools; air pollution; swimming pools and bathing places, stables and kennels, private sewage disposal systems; lot requirements for installation of private sewage disposal systems; subdivision approval; licensing of persons who service private sewage systems; and any other matter relevant to the public health. These regulatory matters are outlined in more detail under Health Regulations, pp. 105-108.
right of entry	Health Act,s.28	A board of health member, a medical health officer or an inspector appointed by the board may, without warrant, and at any reasonable time, enter upon any land or into any house, building, vehicle, or premises in the municipal unit for which he holds office and examine the same. A person is prohibited from obstructing or refusing admission to any of the above who are acting in the course of their duties.
BRIDGES	SEE TRANSPORTATION	
BUILDINGS	SEE ALSO DEVELOPMENT PERMITS, ENVIRONMENTAL PROTECTION, FIRE PROTECTION, HEALTH REGULATIONS, HOUSING, UNSIGHTLY PREMISES, HERITAGE PROPERTY	

BUILDINGS (cont'd)

demolition or removal order of Board of Health	Health Act,s.35	When it appears to a board of health that any tenement, house, building or structure of any kind used as a dwelling house is so unfit for that purpose that the public health or the health or safety of the occupant is in danger, the board shall cause a notice to be given to the owner or the occupant, if any, requiring the owner or occupant to remove the cause of complaint as prescribed in the notice, or to demolish or remove the building. Where this is not done, the Board may cause it to be removed. Where there is no occupant, and the owners do not reside within the jurisdiction of the board, the notice may be given by advertisement in one or more newspapers published or circulated within the municipal unit and by posting the same on the premises.
approval to alter or demolish	Heritage Property Act,s.10	Provincial Heritage Property shall not be substantially altered in exterior appearance or be demolished without Cabinet approval.
order to vacate	Health Act,s.34	A board of health may order that a building used as a dwelling house be vacated within a reasonable time when it appears to the board that the house is so unfit for a dwelling that the public health or the safety of the occupants is endangered or likely to be endangered. If the order is disobeyed or the building reoccupied without a permit, the board may direct a warrant to the sheriff to enforce compliance with the order.

BUILDINGS (cont'd)
Building By-laws

building inspections	Municipal Act,s.191(96) Towns Act,s.221(68) Village Service Act, s.42(i)	The council of a town or a rural municipality, or a village commission may pass a by-law providing for the inspection of buildings and structures within the municipality, town, or village for the purpose of preventing fires, accidents and damage or injury to property or persons; and compelling the owners or occupiers to make alterations or repairs deemed necessary or to demolish or remove any building or structure which is a menace to health or safety.
building regulations	Municipal Act,s.191(93) Towns Act,s.221(75)(76) Village Service Act, s.42(j)	The council of a rural municipality may pass a by-law: - regulating the erection, construction, alteration and repair of buildings within the municipality, including the location, foundation, material to be used, construction of the chimneys, party walls, sewerage, plumbing, heating, roofing, windows and doors, and generally all other matters and things necessary, expedient or desirable to guard against fire and to provide for the safety and health of the occupants and of the public generally and to improve the general appearance of the municipality; - prohibiting the erection, construction, alteration or repair of, and providing for the demolition or removal of a building which may be erected, constructed, altered or repaired contrary to the by-law; - authorizing the appointment of a building inspector; - requiring any person to obtain a permit from the building inspector before erecting, constructing,

Buildings (cont'd) building regulations		altering or repairing any building or changing the use or occupancy of a building. A town council has similar power and may also, in the by-law, prohibit the erection, alteration or repair and regulate the height of buildings which in the opinion of the council may interfere with the operation of any airport whether or not the airport is within or without the town. A village commission may pass a by-law appointing a building inspector.
minimum building standards; violations	Municipal Act,s.191(95) Towns Act,s.221(77)	The council of a rural municipality and a town may pass a by-law prescribing minimum standards of sanitation, plumbing, water supply, lighting, wiring, ventilation, heating, access, maintenance, appearance, construction and material for buildings occupied for residential purposes or parts thereof occupied for residential purposes; limiting the number of persons who may reside in any building or residential part of it; imposing on the owner, tenant, or occupant the responsibility for complying with the by-law; providing for notice to an owner, occupant or tenant or one or more of them to discontinue the use of a building or part of it as a place of residence in violation of the by-law; and prescribing penalties for such use after notice to discontinue has been given.
National Building Code	Municipal Act.,191(93A) Towns Act,s.221(76A) Village Service Act, s.42(ka)	The council of a rural municipality, a town or a village commission may pass a by-law adopting in whole or in part, with or without amendment, a specified edition or printing of the National Building Code.

Provincial Building Code	Building Code Act, ss.3,14	This Act was passed in the 1986 session of the Legislature, and applies to all buildings constructed or demolished on or after April 1st, 1987. It applies to the construction and occupancy of new buildings, and the alteration, reconstruction, demolition, and occupancy of existing buildings. The Act also establishes a Building Advisory Committee to advise on the application of the Act and regulations, and to hear appeals from disputes arising between owners and building inspectors, etc.
Public buildings	Building Access Act,ss.2,3	Public buildings, the construction of which commenced on or after April 1, 1977 must be accessible for use (including washrooms) by physically handicapped persons. Every person who is the owner, constructor, lessor or operator of a public building which does not comply with this Act is guilty of an offence.
Business Capital Corporation	Business Capital Corporation Act, ss.3,5,9	This Act establishes the Nova Scotia Business Capital Corporation to encourage business development in the Province, including tourist-related businesses, by rendering financial assistance and such other assistance determined by the Governor in Council. This Act applies to any business having more than 50 employees and has an annual sales volume of over two million dollars.

Business Improvement Districts	Municipal Act,s.202A-F Towns Act, s.220A-F	The council may by by-law establish a business improvement district if:
establishment	Municipal Act,s.202A Towns Act,s.220A	1) It has received a petition requesting that a Business Improvement District be set up from persons who meet the following criteria: (a) they constitute 51% of the total number of persons assessed for business occupancy and commercial property within the proposed district, and (b) their total business occupancy and commercial assessments are at least 51% of the total business occupancy and commercial property assessment of all persons within the district; or 2) Where Council initiates the process of setting up a Business Improvement District it must establish that it has sent the prescribed notice of its intent to establish such a district to all persons assessed within the proposed district for business occupancy and commercial property tax, and has not received written objection from at least 40% of the persons assessed with business occupancy or commercial property tax, respectively, and whose total business occupancy and commercial property assessment within the proposed district is at least 40% of the total business occupancy or commercial property assessment of all persons within the proposed district.

Business Improvement Districts (cont'd)

notice of intent
by Council

A notice of intent to establish a business improvement district given by Council shall:

- be sent by prepaid mail to every person assessed for business occupancy or commercial property tax within the proposed business improvement district (B.I.D.);
- shall delineate the boundaries of the proposed B.I.D. (NOTE: The boundaries should not be inconsistent with the relevant Municipal Planning Strategy);
- include a copy of sections 202A to 202F of the Municipal Act or 220A to 220F of the Towns Act; and
- state that written objection may be made to the Council within three weeks or such longer period as Council may determine.

numerous B.I.D.'s

A Council may establish more than one B.I.D.

Business Improvement District Commission

Towns Act, s.220B
Municipal Act, s.202B

A by-law made pursuant to s.202A of the Municipal Act or 220A of the Towns Act shall establish a Commission for the Business Improvement District.

objects of B.I.D. commission

Towns Act,s.220C
Municipal Act,s.202C

If the Minister of Municipal Affairs approves a by-law setting up a B.I.D. Commission, he shall issue the Commission an instrument of incorporation and cause a copy to be filed with the Registrar of Joint Stock Companies.

Business Improvement Districts (cont'd)

The objects of a B.I.D. commission are to:

- beautify, improve, enlarge, repair, alter, equip, service, insure, and maintain property owned or leased by it;
- beautify, improve, and maintain property of the municipality or town as authorized by council;
- promote the business improvement district as a place for retail and commercial activity;
- establish or maintain parking facilities within the district.

powers of B.I.D. commission

Towns Act,s.220D
Municipal Act,s.202D

A B.I.D. commission may:

- acquire, accept or receive real and personal property, or any interest therein, and dispose of the same when no longer required by the B.I.D.C.;
- use, apply, or dispose of real or personal property or interest therein in accordance with the terms on which it was acquired, accepted or received or for any object of the B.I.D.C. not inconsistent with the terms of the acquisition, acceptance or receipt;
- make grants to persons within the B.I.D. who are assessed for business occupancy or commercial property tax, or to any organization incorporated for the purpose of promoting the district as a place for retail or commercial activity;
- do all other things necessary or incidental to the carrying out of the objects of the commission.

By-law register	Municipal Act,ss.193,200 Towns Act,ss.224,226 Village Service Act, s.43(A)	Most by-laws made by the council of a rural municipality, a town, or a village commission are subject to the approval of the Minister of Municipal Affairs and when approved have the force of law. A copy of each by-law must be kept in the municipal, town or village commission by-law register, and can be read by any person upon request.

CAMPSITES	SEE RECREATION	
CANOE ROUTES	SEE RECREATION Provincial Trails	
CEMETERIES	Health Act,s.55	When a new cemetery is opened or an existing one extended, a 200-yard setback is required from any college, school house, hospital, or existing dwelling house. The 200-yard requirement may be reduced to less than 200 yards but not less than 100 yards with the written consent and approval of the Minister of Health. In exceptional circumstances and where the Minister of Health is satisfied that a cemetery may be opened or extended within 100 yards of a college etc., without endangering the public health or the health of the occupants of the college etc., he may consent to such opening or extension. A cemetery may be established or extended within a city or town when it appears to the satisfaction of the Governor in Council that for the extent of the territory included in the city or town, a cemetery may safely be established or extended therein, and the council and board of health of the city or town approve the establishment or extension. House is defined to include school, church, home, railway passenger station, factory, and any other building, hut or tent used for human habitation or work whether it is permanent or temporary, stationary or moveable and includes the court yards of each.

	Cemetery and Funeral Services Act, s.21	The Planning Act does not apply to the subdivision of a cemetery into lots.
CMHC	SEE HOUSING, Canada Mortgage and Housing Corporation	
CHANGE IN USE TAX	SEE FORESTRY, change in use tax; AGRICULTURE, change in use tax; RECREATIONAL LAND, change in use tax.	
COASTAL ZONE	SEE ALSO FISHERIES, MARSHES	
Beaches		
management	Beaches Preservation and Protection Act, ss.3,4	Beaches are under the administration, management and control of the Minister of Lands and Forests. Beach is defined to mean that area of land on the coastline lying to the seaward of the mean high watermark and that area of land to the landward immediately adjacent thereto to the distance determined by the Governor in Council and includes any lakeshore area declared by the Governor in Council be be a beach.
protection and closure	Beaches Preservation and Protection Act,ss.5, 6,9,11	Where an area is determined to be a beach, by the Governor in Council on the recommendation of the Minister of Lands and Forests, a notice containing a description of the beach must be published by the Minister of Lands and Forests in the Royal Gazette and in a newspaper circulated in the county and a

COASTAL ZONE (cont'd)
Beaches

description and plan of the beach must be deposited by the Minister in the office of the registrar of deeds for the registration district in which the beach is situated, and the owner of the beach must be notified by the Minister that the beach is a designated beach under the Beach Preservation and Protection Act. The Minister must also post signs on the beach indicating that it is a designated or protected beach and that no sand, gravel, stone or other material may be removed from it without his consent.

A person is prohibited from taking or removing any sand, gravel, stone or other material from a beach without the permission of the Minister. This prohibition does not extend to a fisherman removing rocks from a beach for ballast for his lobster pots.

regulations

The Governor in Council may make regulations for the preservation, control, and management of beaches; for the granting of leases, licenses and permits authorizing the removal of sand, gravel, stone and other material; determining the fees and charges for the leases, licenses, and permits; providing for the removal from a beach by specified persons with specified trades or occupations of quantities of sand, gravel, stone, or other material in such amount as he determines; exempting any beach from the operation of this Act; and respecting any other matter he deems necessary to carry out the intent of the Act.

public health
nuisance

Health Act, ss.11,48

Where any offensive matter or thing likely to endanger the public health or likely to become a nuisance is deposited on a beach or foreshore, the medical

COASTAL ZONE (cont'd)

		health officer or the board of health may order the person who deposited it to remove it or if the person is unknown or can't be located, the medical health officer may order its removal at the expense of the municipal unit.
flat beach, foreshore	Beaches and Foreshores Act,ss.1,3	The Governor in Council may grant or lease a flat, beach or foreshore on the coast upon application to the Minister of Lands and Forests. A grant vests absolutely the fee simple of the land conveyed subject to any control in the Parliament of Canada respecting navigation of any land covered with water included in the grant. Fishing rights or privileges in any river or fresh water lake of the Province are not authorized to be granted or leased under this section. A grant of a waterfront is issued to a person other than the owner of land on which the waterfront abuts only with the consent in writing of the owner.
fish traps	Beaches and Foreshores Act,s.5	The Governor in Council may, upon application in writing to the Minister of Lands and Forests, authorize the leasing of land upon which to establish fish traps or weirs on any part of the coast of Nova Scotia.

COASTAL ZONE (cont'd)

oyster cultivation	Beaches and Foreshores Act,s.4	A person is prohibited from cultivating oysters upon any beach, flat, harbour, river, lake. or foreshore unless he leases the land. Any oyster cultivated on unleased land belongs to the Crown and may be leased with the land by the Crown at any time to any person. A lease of land for cultivation of oysters may not include an area greater than five acres and the length of the area may not exceed twice the breadth.
leases	Oyster Fisheries Act, ss.1, 4, 6, 8, 9, 15, 17	The Governor in Council, upon the written application of any person desirous of obtaining a lease of the barren bottom in front of his own foreshore, or of a plat or plot in or upon the beds or bottoms of any bays, rivers, harbours, or creeks surveyed and laid off in plots or plats under this Act, may grant a lease of the bed applied for or such portion not exceeding 5 acres, for such period and on such terms and conditions as he thinks fit. A lease may be renewed for a period not to exceed 10 years at any one time for the same rental or consideration or on such other terms as the Governor in Council sees fit. Barren bottom is defined to include those parts of the beds and bottoms of any bays, rivers, harbours or creeks where no natural or live oyster beds are found to exist at the time of the application for and granting of any lease under this Act.

COASTAL ZONE (cont'd)		
oyster cultivation leases (cont'd)	Oyster Fisheries Act, s.6	When a lease or any plot or area of barren bottom has been applied for by any person other than the owner of the land in front of which the plot or area is situated, abutted or bounded, the owner shall be given notice of the application and has priority over all others in the allotment of such bottoms to the extent of not more than 5 acres each in any county.
	Oyster Fisheries Act, s.11	Every person to whom a lease of any areas of barren bottom land is granted must mark the area by shore objects and stakes or buoys in the water as far as practical, and keep the area marked in accordance with the filed plan and specifications.
agreements	Oyster Fisheries Act, s.17	The Governor in Council has the power to enter into agreements with the federal government to encourage and develop the oyster and other mollusk industries in Nova Scotia.
salt marshes	SEE MARSHES	
COMMUNICATIONS	SEE EASEMENTS	
COMPREHENSIVE DEVELOPMENT DISTRICT AGREEMENT	SEE DEVELOPMENT AGREEMENTS, MUNICIPAL PLANNING STRATEGY, LAND-USE BY-LAWS	
	Planning Act, ss.38(2)(p),56	Where a Council has adopted policies in a Municipal Planning Strategy to provide for the establishment of a comprehensive development district it shall also identify the types of uses that are to be con-

COMPREHENSIVE DEVELOPMENT DISTRICT AGREEMENT (cont'd)		sidered for a comprehensive development district as well as identify the matters that the Council shall consider before entering into a development agreement for the comprehensive development district or districts.
procedure for adoption of comprehensive development district agreements	SEE DEVELOPMENT AGREEMENTS	
CONDOMINIUMS	SEE ALSO HOUSING, Rental property conversion, Condominium Act,s.2	The purpose of the Condominium Act is to facilitate the division of land into parts that are to be owned individually, and parts that are to be owned in common; and to provide for the use, management and to expedite dealings with such properties.
definition of property	Condominium Act,s.1	Property means the land and interests appurtenant to the land described in the description, and includes any land and interests appurtenant to land that are added to the common elements.
description	Condominium Act,ss.1,11	A description shall contain the following prepared in accordance with the regulations:

Condominiums (cont'd)

- a plan or survey showing the perimeter of the horizontal surface of the land and the perimeter of the buildings, if any;
- structural plans of the buildings, if any;
- a specification of the boundaries of each unit by reference to the buildings, or if there are no buildings, by reference to the appropriate co-ordinate monument;
- diagrams showing the shape and dimensions of each unit and the approximate location of each unit in relation to the other units and the buildings, if any;
- if buildings are included in a property, a certificate of a surveyor that the buildings have been constructed and that the diagrams of the units are substantially accurate and substantially in accordance with the structural plans;
- if no buildings are included in a property, a certificate of a surveyor that the horizontal boundaries of the units have been monumented on the ground in the prescribed manner and that the diagrams of the units are substantially accurate and substantially in accordance with the monuments so placed; and
- a description of any interests appurtenant to the land that are included in the property.

A description shall not be accepted for registration unless it has been approved by the Registrar in accordance with the regulations.

Condominiums (cont'd)

definitions	Condominium Act,s.1	Unit means a part or parts of the land included in the description, and comprises the space enclosed by its boundaries and all the material parts of the land within this space at the time the declaration and description are registered. The contents of the declaration and amendments thereto are outlined in s.10 of the Condominium Act. Owner means the owner or owners of the freehold estate or estates in a unit and common interest, but does not include a mortgagee unless in possession. For the purposes of this Act, the ownership of land includes the ownership of space. Common interest means the interest in the common elements appurtenant to a unit. Common elements are all the property except the units.
administration of Condominium Act	Condominium Act,s.3	A member of the Executive Council, (Minister of Consumer Affairs) appointed by the Governor in Council shall be responsible for the administration of this Act. The Governor in Council may appoint a Registrar and Deputy-Registrar of Condominiums to assist the Minister.
registration	Condominium Act,s.5	The following must be submitted to the Registrar of Condominiums by or on behalf of the owner in fee simple of the land described in the description: - a declaration and description; - a report on title in the prescribed form, showing that the owner is the owner in fee simple of the land;

Condominiums (cont'd)

- an appointment in the prescribed form giving the name and address of the registered agent, resident in the Province, upon whom service of any document shall be deemed to be service on the corporation.

Upon acceptance of a declaration and description for registration, the land and interests appurtenant thereto are governed by this Act, and acceptance shall be conclusive evidence of the compliance with all the requirements in respect to acceptance for registration and of matters precedent and incidental thereto.

prohibition of conversion to condominiums

Rental Property Conversion Act,s.9

The Governor in Council may, where he considers it to be in the best interests of the Province, because of the degree of availability of rental property in the Province, or because of other relevant circumstances, make regulations:

- prescribing the conditions prerequisite to; or
- prohibit,

the conversion of rental property to property other than rental property. There are regulations under this Act presently in effect, that limit the conversion of existing rental property to condominiums except for special, non-profit cooperative projects.

COST SHARING PLANNING		
District Planning Commissions	SEE DISTRICT PLANNING COMMISSION, cost sharing agreement	
Cost Sharing by Minister	Planning Act, s.104	The Minister of Municipal Affairs may pay up to one-half of the approved costs of a council or a commission, for the preparation and administration of municipal planning strategies, intermunicipal planning strategies, land-use by-laws and subdivision by-laws.
Progress Reports	Planning Act, s.105	Any council receiving funding from the Minister must file an annual municipal planning progress report with the Department of Municipal Affairs.
COUNCIL OF MARITIME PREMIERS	An Act to Establish the Council of Maritime Premiers, ss.2, 3, 8	The Governor in Council in Nova Scotia may enter into an agreement with the Lieutenant Governors in Council of New Brunswick and Prince Edward Island for the establishment of a Council of Maritime Premiers comprised of the Premiers of Nova Scotia; New Brunswick and Prince Edward Island. Following the Maritime Union Study's recommendation of the establishment of a Council of Maritime Premiers as one of the agencies for co-operative action among Nova Scotia, New Brunswick, and Prince Edward Island, the Premiers of the three Provinces entered into an agreement dated May 25, 1971 which sets out general principles for the operation of the

COUNCIL OF MARITIME PREMIERS (cont'd)		Council in pursuing the objectives of unity of purpose, maximum co-ordination of the activities of the three provincial governments and their agencies and the establishment of a framework for joint action and undertakings.
Land Registration and Information Service		The Land Registration and Information Service was established as an agency of the CMP to carry out a program of land surveying, mapping, and computerizing land titles for the purposes of establishing a land data bank.
Maritime Resource Management Service		The Maritime Resource Management Service, an agency of the CMP, promotes the optimum utilization and development of resources in the three provinces by providing specialized support services in information gathering, planning, engineering, air photo reproduction and cartography. It has carried out a major resource mapping program for each of the three provinces. Its services are available on a fee for services basis to public and private sectors.
Maritime Provinces Higher Education Commission	Maritime Provinces Higher Education Act, ss.3, 13, 17	Appointed by the Council of Maritime Premiers, the Commission is charged with several duties, the primary one being preparation and approval of an annual plan for financing higher education in the region. It gives advice to the CMP with respect to the needs and future plans of universities and colleges, and makes recommendations on the advisability of establishing or supporting new institutions.

DANGEROUS GOODS		
Storage of Dangerous Goods	Dangerous Goods and Hazardous Waste Management Act, s.4	Anyone responsible for dangerous goods shall notify the Minister of the Environment of its location, quantities, general purpose for which it is kept, and the precautions being taken for its handling and storage.
Highway Transport	Dangerous Goods Transportation Act, s.5	No one may transport dangerous goods in a vehicle on a highway unless all applicable safety requirements are met, and the vehicle and all containers and packaging in it comply with all safety standards and display all applicable prescribed safety marks.
DAY CARE	SEE HEALTH AND SOCIAL SERVICES	
DEED TRANSFER TAX		
By-laws	Deed Transfer Tax Act, ss. 3, 5	Where a municipality decides to pass a by-law invoking the Deed Transfer Tax Act, a tax is imposed on every deed at a percentage of the value of the property conveyed, which is payable to the municipality in which the property lies. Not every municipality has a Deed Transfer By-law, thus a particular unit should be contacted before assuming that the tax is in effect.
Exemptions from Tax	Deed Transfer Tax Act, ss. 2A, 4, 5	Where a deed transfers property between married persons; by way of gift; to a charitable organization; between a subsidiary and parent company; or the deed is merely a confirmatory deed, no tax is payable.

DEMOLITION ORDER	SEE BUILDINGS, HERITAGE PROPERTY ACT	
DRIE	SEE ECONOMIC DEVELOPMENT	
DERELICT MOTOR VEHICLES	SEE SALVAGE YARDS	
DEVELOPMENT, PLANNING ACT	SEE ALSO DEVELOPMENT PERMITS, MUNICIPAL PLANNING STRATEGY LAND-USE BY-LAWS	
defined	Planning Act,s.3(e)	Development is defined to include any erection, construction, addition, alteration, replacement or relocation of or to any building or structure and any change or alteration in the use made of land, buildings or structures.
DEVELOPMENT AGREEMENTS	SEE ALSO COMPREHENSIVE DEVELOPMENT DISTRICT	Development agreements and agreements covering Comprehensive Development Districts are combined together in this guide because the procedures governing these contracts in the Planning Act are virtually the same. Except where otherwise noted, development agreement includes comprehensive development district agreements.
	Planning Act, s.55(1)	Policies adopted by a Council in a Municipal Planning Strategy concerning the use of development agreements shall identify: 1) Matters that council must consider prior to the approval of an agreement, and 2) The developments that are subject to an agreement.

DEVELOPMENT AGREEMENTS (cont'd)

Planning Act, s.55(2)

Where the Municipal Planning Strategy (M.P.S.) contains such policies for development, the land-use by-law shall identify the developments to be considered by agreement.

Procedures for entering into a development agreement or comprehensive development district

Planning Act,s.66

Council shall approve the entering into of a development agreement or an agreement for the establishment of a comprehensive development district by passing a resolution. An agreement may identify matters which are not considered substantial by the parties. Before approving the entering into of an agreement, or the amending of substantial matters, the council must hold a public hearing at which oral and written submissions shall be received. Notice of the hearing must be advertised at least 14 clear days before the hearing, once a week for 2 successive weeks. A resolution to approve the agreement or amendment thereto, shall be made after consideration of the submissions, and shall by majority vote of those councillors present when the vote is taken, but only those who are present at the public hearing may vote upon the resolution. Council must give notice of its passing by advertising in a newspaper circulating in the area.

The procedure for the adoption or amendment of a development agreement, including those for comprehensive development districts, follows, mutatis mutandis, that of a land-use by-law. This includes requirements for: a public hearing, notification prior to and following the adoption or amendment, and application requirements with respect to the latter.

DEVELOPMENT AGREEMENTS (cont'd)

		An agreement may provide for matters which are considered by the parties to be substantial and those that are not. Only those matters which are substantial would be subject to the amendment procedures for a development agreement according to the Planning Act.
filing with Director of Planning	Planning Act,s.66(4)	A copy of the resolution of Council approving entering into a development agreement and the agreement itself, must be filed with the Director of Planning within 10 days after council has passed the resolution.
Procedural Requirements - signing of agreement - effective date	Planning Act,ss.68,71(2)	A development agreement, including an agreement for a comprehensive development district, shall not be entered into until: - the time for appeal has elapsed, which is 21 clear days from the date of advertisement giving notice of Council's decision to enter into an agreement; or - any appeals have been disposed of and the resolution has been affirmed by the Municipal Board.
- discharge of Agreement	Planning Act,s.69(1)(2)(3)	An Agreement is in effect until discharged by the council by resolution, however, an agreement itself may provide for the time when, and conditions under which, the agreement shall be discharged.
- application of Land-use By-law	Planning Act,s.69(4)	When the council discharges an agreement, the land-use by-law shall apply to the property that is the subject of the agreement.

DEVELOPMENT AGREEMENTS (cont'd)

- registration of agreement required	Planning Act,s.70(1)	The clerk of the municipality must register every development agreement entered into and every amendment thereto or discharge thereof, in the office of the registrar of deeds for the registration district in which the property is located, and the agreement shall be indexed as if it were a conveyance both to and from the property owner.
- effect on conveyance	Planning Act,s.70(2)	Where the owner of property which is subject to an agreement conveys the property or part thereof to a person not a party to the agreement, the agreement shall continue to apply to the property until discharged by the council.
Breach of Agreement	Planning Act,s.73(1)	A municipality may, upon the breach of a development agreement and after 30 days notice in writing, enter into and perform any of the convenants or conditions contained therein.
Expenses	Planning Act,s.73(2)	All reasonable expenses whether arising out of the entry into or from the performance of the covenants may be recovered from the owner by direct suit and shall form a charge upon the land and be shown on any tax certificate issued under the Assessment Act.
Contents of Development Agreements	Planning Act,s.67	A development agreement, including an agreement for a comprehensive development district, may contain terms with respect to: - matters that a land-use by-law may contain; - the hours of operation; and - the maintenance of the development.

DEVELOPMENT AGREEMENTS (cont'd)

Further contents of Development Agreements		
- protection of watercourse or land	Planning Act, s.67(2)	Where all or part of the development subject to the agreement is being constructed on so-called "hazard lands" that have been identified in the municipal planning strategy, the agreement may contain terms with respect to methods of protection of the land or watercourse during the construction of the development.
- site plans or maps	Planning Act,s.67(3)	An agreement may include site plans or maps, which shall form part of the agreement.
- commencement of the Development	Planning Act,s.67(5)	An agreement may provide that if the development that is the subject of the agreement is not commenced within the time specified in the agreement, the agreement or portions thereof, may be discharged in accordance with s.69 of the Planning Act, and thereupon the property is subject to the land-use by-law.
Development Agreement Appeals		
1. Appeal upon Approval	Planning Act,s.71(1)	Where a council has approved the entering into of a development agreement, the decision of council may be appealed to the Municipal Board by: - an aggrieved person; - the Director of Planning; or - the council of an adjoining municipality; - within 21 days of the date of the advertisement giving notice of the decision of the council to enter into the agreement.

DEVELOPMENT AGREEMENTS (cont'd)

- decision by Municipal Board	Planning Act, s.71(4)(5)	The Board shall determine if a proposed agreement is consistent with the intent of the municipal planning strategy and it shall either: - confirm the decision of council; - make any decision that the council could have made; or - refer the matter back to the council for further consideration.
- restriction on Decision	Planning Act,s.71(5)(6)	The Board is not empowered to interfere with the decision of council unless it is contrary to the Municipal Planning Strategy. The Board shall not make any decision that the council could have made, which would commit the council to make any expenditures with respect to the development.
2. **Appeal upon Refusal**	Planning Act,s.72(1)(2)(3)	Where a council has refused to enter into an agreement after application has been made to it in the prescribed manner, the applicant may appeal the refusal to the Municipal Board. Council must provide the applicant with its reasons for refusing to enter into an agreement. An appeal must be served on the Municipal Board within 21 days of the date of Council's decision of refusal.

DEVELOPMENT AGREEMENTS (cont'd)

- determination of appeal	Planning Act,s.72(4)(5)	The Board shall not interfere with Council's decision of refusal unless the Board determines that the decision not to enter the agreement cannot reasonably be said to be consistent with the intent of the municipal planning strategy, in which case the Board shall: - refer the matter back to Council; and - instruct council to hold a public hearing, if this has not been carried out prior to the applicant's appeal. A determination of the Board shall contain reasons for the determination.
- application to Board to fix terms of Agreement	Planning Act,s.72(6)	If council and the applicant have not approved the terms of an agreement within 90 days after the date of a determination by the Board, or within 90 days of the procedures being completed pursuant to s.72(4) of the Planning Act (i.e. referring the matter back to Council and/or holding a public hearing), either the council or the applicant may apply to the Board for an order fixing the terms of the agreement. In such an application, the Board may make any decision the council could have made, except that no order shall be made that commits council to make any expenditures with respect to the development to be permitted pursuant to this section.

DEVELOPMENT AGREEMENTS (cont'd)		
3. Further appeal	Planning Act,s.72(8)	Where the council has approved the entering into of an agreement after a determination has been made by the Board, the resolution may be appealed by the same persons and in the same manner as for the approval of a development agreement including an agreement for a comprehensive development district, except that the matters previously determined by the Board pursuant to s.72(4) of the Planning Act shall not be reconsidered on the appeal.
DEVELOPMENT OFFICER	SEE ALSO DISTRICT PLANNING COMMISSIONS, SUBDIVISION, LAND-USE BY-LAWS	
defined	Planning Act,s.3(f)	A development officer means one who administers the applicable provincial land-use or subdivision regulations or municipal land-use or subdivision by-laws.
Provincial Development Officers	Planning Act,ss.5(3), 11, 14	Provincial Development Officers may be appointed, who are responsible for duties assigned by the Planning Act and those assigned to them by the Minister. These officers are responsible for issuing provincial development permits, interim permits and administering provincial subdivision regulations.

Municipal Development Officer	Planning Act, s.77(1), 95(1)(2)(3)	A land-use by-law passed under the Planning Act must provide for the appointment of a municipal development officer for the municipality. The municipal development officer is responsible for the administration of the land-use by-law and the granting of municipal development permits. Similarly a council shall appoint a municipal development officer to administer its subdivision by-law, to endorse subdivision plans and to subsequently file them in the appropriate registry of deeds.
District Planning Commission	Planning Act, ss.18(2), 77(2)	A District Planning Commission (D.P.C.) may employ a development officer who acts as the municipal development officer for the participating municipalities.
DEVELOPMENT PERMITS	SEE ALSO MUNICIPAL PLANNING STRATEGY, LAND-USE BY-LAWS, REGIONAL DEVELOPMENT PLANS.	
Provincial Development Permits	Planning Act,s.9(1)	Provincial Land-Use Regulations prescribed by the Governor-in-Council (Cabinet) to implement provincial land-use policies, may require that a provincial development permit be obtained prior to undertaking specified developments or undertaking any development in a specified area. Such a permit is not required where a municipal planning strategy (M.P.S.) and land-use by-law are in effect, since an M.P.S. cannot be inconsistent with provincial land-use policies.

Provincial Development Permits (cont'd)		
interim permit	Planning Act,s.11	Where the Governor-in-Council (Cabinet) intends to establish Provincial land-use regulations, it may make regulations requiring that for a period of one year from the date of advertisement notifying the public of proposed provincial land-use policy, that an interim provincial development permit is required for specified developments or for developments in a specified area.
application form for Provincial Development Permit	Planning Act,s.9(2)	The Provincial Land-Use regulations shall prescribe the form for and the content of applications for provincial development permits.
complete application	Planning Act,s.14(1)	Within 15 days of receiving an application, the provincial development officer shall inform the applicant whether the application is complete.
granting of permit	Planning Act,s.14(2)	Within 30 days of receiving a completed application, the provincial development officer shall either grant the provincial development permit or inform the applicant in writing of the reasons for refusal.
copy of all permits or decisions	Planning Act,s.14(3)	Within 10 days of issuing a permit or a refusal with reasons in writing, the provincial development officer shall provide a copy of the permit or the written decision to the clerk of the municipality involved and to the Director of Planning.
appeal	Planning Act,s.15(1)(2)	The refusal of a provincial development officer to issue a permit may be appealed by the applicant to the Municipal Board within 15 days of the date that the written decision was served on the applicant.

Provincial Development Permits (cont'd) determination of appeal	Planning Act,s.15(3)(4)	The Municipal Board shall determine if the proposed development is consistent with the provincial land-use regulations and will either confirm the officer's decision, or allow the appeal and order the provincial development officer to issue the permit.
Municipal Development Permits	Planning Act,s.76(1)(2)	Where a council has adopted a land-use by-law, a municipal development permit shall be required before any development is undertaken, but the by-law may specify developments which do not require a permit. A permit shall be issued for a proposed development if it conforms to the land-use by-law or to the terms of a development agreement in force with respect to the property.
issuing restrictions	Planning Act,s.76(3)(4)	A municipal development permit shall not be refused by reason only that it conflicts with a planning strategy, but no permit shall be issued which is inconsistent with a proposed provincial land-use regulation for a one-year period after written notice of the Minister.
	Planning Act,s.76(5)	No permit shall be issued pursuant to a resolution of council approving the entering into of a development agreement or an agreement establishing a comprehensive development district until the appeal period has elapsed and any appeal has been disposed of by the Municipal Board.
	Planning Act,s.76(6)	No permit shall be issued pursuant to an amendment of a land-use by-law until the appeal period has elapsed or any appeal resolved.

Municipal Development Permits (cont'd)

issuing restrictions (cont'd)	Planning Act,s.76(7)	No permit that is or may be inconsistent with a proposed land-use by-law or any amendment or revision to a land-use by-law, shall be issued for a period of 120 days from the publication of the first notice of the intention to adopt, amend, or revise a land-use by-law.
	Planning Act,s.76(8)	If a proposed provincial land-use regulation has not come into effect within one year, or a proposed land-use by-law or amendment or revision to it has not come into effect within 120 days, as noted above, the municipal development permit shall be issued if it conforms in all other respects to the land-use by-law.
application form, contents of Municipal Development Permit	Planning Act,s.76(9)	A land-use by-law may prescribe the form of application for, and the content of a municipal development permit.
complete application	Planning Act,s.77(4)	An applicant must submit an application for a municipal development permit to the municipal development officer, who shall inform the applicant within 15 days as to whether the application is complete.
granting of permit, time limit	Planning Act,s.77(5)	Within 30 days of receipt of a completed application, the municipal development officer shall either grant the permit or inform the applicant of the reasons for refusal.
appeal	Planning Act,s.78(1)(2)	A refusal to issue a municipal development permit may be appealed by the applicant to the Municipal Board within 15 days of the receipt by the applicant of the municipal development officer's written decision.

Municipal Development Permits (cont'd)		
determination of appeal	Planning Act,s.78(3)	The Board may confirm the decision of the municipal development officer or allow the appeal and order the permit be granted.
comprehensive development districts	Planning Act,s.56(4)	A municipal development permit shall not be granted for any development in a comprehensive development district unless it is consistent with the agreement entered into, and a permit may be granted to a person other than a party who signed the agreement.
Regional Development Permits	Planning Act,s.111(5)(9)	In an area where the Halifax Regional Development Plan applies and no municipal development permit is required under the Act, (no land-use by-law in effect, or no permit required under the land-use by-law) no one shall undertake a development without obtaining a regional development permit unless the development is of a type exempted by the Minister.
application, conditions on permits	Planning Act,s.111(6)(7)(8)	Application for a regional development permit shall be to the Director of Planning in the form prescribed by the regulations, and shall be granted where the development is not inconsistent with the Regional Development Plan. The Director may attach conditions to the permit to ensure conformity to the Regional Development Plan.
appeal where permit granted	Planning Act,s.111(11)	Any person aggrieved by the granting of a regional development permit may appeal to the Municipal Board within 10 days of the granting of the permit, and the Board shall: - confirm or revoke the permit;

Regional Development Permits (cont'd)		- order conditions to attach to the permit that are necessary to conform with the Regional Development Plan; or - vary or revoke any conditions attached to the permit.
appeal where permit refused, jurisdiction of Board	Planning Act,s.111(12)	Where an applicant has been refused a regional development permit or it has been granted subject to conditions, the applicant may within 60 days appeal to the Municipal Board, which shall either: - dismiss the appeal; - allow the appeal by granting a permit with or without conditions; or - vary or revoke any conditions attached to the permit.
Shopping Centre Development Permits	SEE SHOPPING CENTRE DEVELOPMENT ACT	
Minor Variance Permits	Planning Act,s.79 SEE MINOR VARIANCE, LAND-USE BY-LAW	
PROVINCIAL DIRECTOR OF PLANNING		
appointment, responsibilities	Planning Act,s.5	The Director of Planning is appointed from the Civil Service by the Minister of Municipal Affairs and is responsible for those duties imposed upon him by the Planning Act and any other duties assigned to him by the Minister. The Minister may from time to time authorize any other person on the staff of the Department to act in the Director's stead.

DISTRICT PLANNING COMMISSIONS	SEE ALSO MUNICIPAL PLANNING STRATEGIES, SUBDIVISION, LAND-USE BY-LAWS	
establishment by order	Planning Act,s.16	At the request of two or more municipalities, the Minister may order the establishment of a district planning commission (D.P.C.) for an area comprised of all or part of those municipalities. A commission established under the former Planning Act remains a Commission under the 1983 Act.
contents of order	Planning Act, ss.17(1), 23(4)	The order establishing a D.P.C. may specify: - its name; area to be served by the D.P.C.; participating units; the number of members from participating municipalities; terms of office and conditions under which members cease to be members; the proportions in which each municipal unit will contribute funds required to meet the Commission's expenses; or a method by which the proportions are to be fixed; - the officers and organization of the Commission; - the method of holding and time of meetings, and the transaction of business; - the public agencies, boards or commissions which must refer plans, schemes, studies or project proposals for the advice and assistance of the D.P.C.; and - a method for participating municipalities to question estimates with respect to revenues and expenditures of the D.P.C.

DISTRICT PLANNING COMMISSIONS (cont'd)

membership, vacancies	Planning Act,s.17(2)(3)	A member who ceases to be a council member also ceases to be a D.P.C. member. Council may appoint a new member when a member is unable to act, however, if council fails to do so, the Minister may appoint a member at the request of the D.P.C.
amendment, repeal of establishment order	Planning Act,s.16(2) s.27(2)(4)	The Minister may vary or rescind an order establishing a D.P.C., with the approval of all participating municipalities. Where agreement is reached as to the distribution of the Commission's assets, it will be filed with the Minister, who may by order dissolve a commission.
withdrawal of member	Planning Act,s.27(1)	The Minister may vary an order creating a D.P.C. by allowing a municipality to withdraw without the approval of the remaining members, but the member withdrawing is not entitled to the assets of the Commission without the approval of the other members.
dissolution	Planning Act,s.27(3)(4)	Where the participating municipalities cannot agree on the distribution of assets at dissolution they may apply to the Courts for a determination. On receipt of a decision, the Minister may, by order, dissolve a commission.
duties	Planning Act,s.18(1)	Duties of the Commission are to: - advise and assist the participating councils on matters affecting planning generally; - promote interest and involve members of the public in planning matters; - advise and assist council in the preparation, amendment or revision of a planning strategy, land-use or subdivision by-law; and

DISTRICT PLANNING COMMISSIONS (cont'd)

		- exercise any rights vested in it by the Minister, or with the approval of the Minister, those delegated to it by a participating council.
powers	Planning Act,ss.18(2), 21(1)(2)	Each District Planning Commission (D.P.C.) is a body corporate, which may, when so authorized by the participating councils and approved by the Minister, acquire and dispose of real property. A D.P.C. may expend funds for its purposes; promote planning; perform any administrative functions assigned by the municipality; engage planners, consultants and other staff; employ development officers; and do anything which is necessary to carry out its duties.
meetings	Planning Act,s.18	Meetings shall be open to the public unless the majority vote to hold a meeting in camera to discuss the personnel of the commission, an opinion of a lawyer, or the acquisition of property.
cost sharing by Minister	Planning Act,ss.26,104	The Minister may share in the costs and expenses of the D.P.C., and may pay no more than 50 percent of all its costs, including both approved costs established by regulation, and costs of services supplied under the Planning Act where the Minister has approved of the D.P.C. carrying out these services.
cost sharing by municipalities	Planning Act,ss.17, 22-25	The order establishing a D.P.C. may specify the proportions which each participating municipality must contribute to the commission's expenses or a method by which proportions are to be fixed. Councils shall include their proportion of the D.P.C.'s estimated expenditures in their annual estimates.

DISTRICT PLANNING COMMISSIONS (cont'd)

appointment of development officer	Planning Act,s.18	A D.P.C. may employ development officers. Where more than one officer is employed, the subdivision or land-use by-law of a participating municipality shall be administered by only one development officer, but the by-laws of different municipalities may be administered by the same development officer.
development officer -authority re development permits	Planning Act,s.77(2) SEE ALSO DEVELOPMENT OFFICER, SUBDIVISION	Where a municipality has passed a Land-Use By-Law, it must appoint a municipal development officer. But where a municipality participates in a D.P.C., the Council may appoint a development officer in the employ of the D.P.C. to be the Municipal Development Officer.
financial reports	Planning Act,s.22(2)	Every commission must submit a financial report to the Minister of Municipal Affairs and to the council of each participating unit by January 31. The report must be signed by an auditor, and if the members cannot agree on an auditor, the Minister may appoint one.
reduction of expenses by Minister	Planning Act,s.22(3)	Where an expenditure included in a financial report was not included in the estimate submitted for that year or is in excess of the estimated expenditure, the expense of the commission for the purposes of any payments under a cost sharing agreement made pursuant to section 24 of the Planning Act may be reduced by the Minister by the amount of the expenditure or the amount of the excess.
annual report	Planning Act,s.22(4)	A D.P.C. must make an annual report by January 31 to the Minister and to the councils of the participating municipal units setting out its activities for the preceding year.

DISTRICT PLANNING COMMISSIONS (cont'd)

estimate of expenditures	Planning Act,s.23	A D.P.C. is required not later than October 15 in each year to submit to the Minister and to the clerk of each of the participating municipal units an estimate of its expenditures for the next year after adding any anticipated deficit for the present year or deducting any anticipated surplus from the present year.
exclusion of unnecessary expenses	Planning Act,s.23(2)	Where an expense included in an estimate of expenditures submitted by a commission is, in the opinion of the Minister, unreasonable or unnecessary he may so notify the commission and if after such notice any such expense is incurred by the commission it shall not be included in the cost-shared expenses of the D.P.C.
reference of estimates to arbitration	Planning Act,s.23(3)(4)	If the council of any of the participating municipal units is dissatisfied with the amount of the estimate, it may within 60 days after the estimate has been delivered to the clerk of the participating municipal unit, require the arbitration committee referred to in sections 114, 115 of the Assessment Act to determine and report the amount which in its opinion, should be provided for the commission within 10 days after the referral. If a board, commission or other committee performs the duties of the arbitration committee for that area, then it shall determine and report such amount. The participating municipalities may agree to another method for questioning estimates, and this method shall be included by the Minister in the order establishing the D.P.C.

DISTRICT PLANNING COMMISSIONS (cont'd)

municipal proportion of estimate	Planning Act,s.24(1)	The council of each participating municipal unit must include in its annual estimates its proportion of the D.P.C.'s estimate expenditures, or if an arbitration report has been filed, its proportion of the amount set out in that report, or if included in the order establishing the D.P.C., the amount set out in the order.
source of municipal proportion of estimate	Planning Act,s.24(2)	The sums required by the councils of the participating municipal units are sums required for the ordinary lawful purposes of the municipal units and may be raised, levied and collected in the same manner and in all respects as are other sums required for the ordinary lawful purposes of the municipal units.
joint officers and staff	Planning Act,s.30(2)	A person may be an officer or staff member of two or more D.P.C.'s upon conditions agreed to by the commissions.

DITCHES SEE WATER

EASEMENTS		
Communication and Utility	SEE ALSO ELECTRICAL UTILITIES, Nova Scotia Power Corporation	
	Lands and Forests Act, s.38	The Minister of Lands and Forests, with the approval of the Governor in Council, may, for such period and upon such terms and conditions as the Governor in Council prescribes, grant permission for the construction and maintenance in or on Crown lands of electric power lines, telegraph and telephone pole lines, and water, sewer, gas or oil pipe lines.
Transportation	SEE TRANSPORTATION, Highways, private roads	
ECONOMIC DEVELOPMENT	SEE SMALL BUSINESS DEVELOPMENT AND BUSINESS CAPITAL CORPORATION; SEE ALSO AGRICULTURE, FISHERIES, FORESTRY, TOURISM	
Economic and Regional Development Agreement	ERDA	The federal-provincial agreement signed June 11, 1984, outlines the economic development strategy to be undertaken by both governments for the next ten years. This is a general agreement, similar to the GDA signed in 1974, and will be followed up with several subsidiary agreements. Those subsidiary agreements already signed include mineral resources, economic planning, tourism and the Strait of Canso agreements. Future agreements are expected in the fisheries and forestry areas.

ECONOMIC DEVELOPMENT (cont'd)

Department of Industry, Trade and Technology		The Department administers the preparation and implementation of economic development policies for the Province; co-ordinates the development activities of the Department with those of other provincial departments; collects and conducts analysis of economic and social data; conducts studies relating to the economical and social development of the Province; maintains liaison with the federal government and its departments concerned with economic development, with industry and with associations and organizations in the private sector of the economy concerned with economic development; and promotes the trade and commerce of Nova Scotia both within and outside Nova Scotia.
General Development Agreement	G.D.A.	The General Development Agreement, dated September 12, 1974, and subsequent subsidiary agreements between the former federal Department of Regional Economic Expansion and the provincial government, provided financial assistance for major development projects and modernization efforts. DREE has been replaced by the Department of Regional Industrial Expansion and the G.D.A. by the Economic and Regional Development Agreement (E.R.D.A.).
Industrial commissions	Industrial Commissions Act,ss.2,2A,10,11,16,18	An industrial commission may be established by a municipal unit or two or more units for an area. An area may not be included in more than one commission. Two or more commissions may amalgamate, subject to the approval of the municipal councils and the Minister of Municipal Affairs.

ECONOMIC DEVELOPMENT (cont'd)

The objectives of an industrial commission are:

- to solicit and encourage the establishment and development of new industries in the area;
- to encourage expansion of existing industries in the area;
- to conduct or sponsor publicity campaigns for the purpose of making known the advantages of its area and nearby districts as a location for industrial expansion;
- to prepare and disseminate statistical and other information for the purpose of creating interest in its area as a location for industrial enterprises;
- to make recommendations to any municipal unit or body respecting zoning for industrial and business purposes; the provision of sites suitable for specific industries and the municipal services required therefor, the effect of the municipal and other taxation systems upon industry; and any matter relating to the establishment and development of the area as a center for industrial enterprises upon which a municipal unit in the area has requested advice;
- any matters which in the commission's opinion, relate to the development of industry and business in the area;
- to co-operate with any government, agency of government, or any other body or organization set up for the purpose of promoting industry, business or tourism, and;
- to do any other matter that will benefit or tend to benefit its area.

ECONOMIC DEVELOPMENT (cont'd)

Industrial development	SEE ALSO INDUSTRIAL AND REGIONAL DEVELOPMENT PROGRAM Industrial Development Act, s.2	Subject to the approval of the Governor in Council, the Minister of Industry, Trade and Technology may, for the purpose of establishing, assisting, developing or expanding industries in the Province; - purchase or otherwise acquire, hold, improve, maintain any real or personal property and lease, sell, or convey the same for such consideration and conditions as the Minister deems advisable; - construct, alter, add to, repair, extend, provide services for, move or remove any building, chattel or other thing; - render financial assistance to any person on such terms and in such manner as the Minister may deem proper; - do such other matters or things and exercise such other powers as may be deemed desirable for the better carrying out of the provisions of this Act.
Voluntary Planning Board	Voluntary Planning Act, ss.2,3,4,5,7	The Governor in Council may appoint a Nova Scotia Voluntary Planning Board which is to assist and advise the Government in the development and implementation of measures to increase the rate of economic growth of the Province by means of voluntary economic planning. The duties of the board are to co-ordinate the plans of various sectors of the economy and produce a plan for the whole economy of the Province for recommendation to the Minister. The board also collects, collates and disseminates information relevant to the economy of the Province; advises the government on provincial economic matters; watches the performance of sectors in carrying out their plans and

ECONOMIC DEVELOPMENT (cont'd) **Voluntary Planning Board** (cont'd)		stimulates and encourages the carrying out of such plans; provides for the continuity of planning both short-term and long range; and conducts studies and investigations requested by the Minister or Governor in Council. Sector committees may also be appointed by the Governor in Council to study any sector of the economy and to formulate a plan designed to encourage and promote a faster and more sustained growth in that sector of the economy. These committees may be given such terms of reference as the Governor in Council considers advisable.
EDUCATION	SEE ALSO HEALTH REGULATIONS, MUNICIPAL PLANNING STRATEGIES, LAND-USE BY-LAWS	
Colleges and Universities	SEE COUNCIL OF MARITIME PREMIERS, MARITIME PROVINCES HIGHER EDUCATION COMMISSION	
Public Schools planning and construction	Education Act,ss.3,4	The Governor in Council is charged with the general supervision of public schools and education in the Province and may make regulations respecting the construction, location and control of public school buildings.

EDUCATION (cont'd)

		The Minister of Education may approve plans for schools and exercise general supervision and direction over the Nova Scotia Teachers College and public schools in the Province.
financing	Education Act,ss.59-67 See Also Municipal Act, ss.226-7; Towns Act, ss.138-142	The method of financing public schools in cities, towns and rural municipalities as well as municipal and provincial contributions is set out in sections 59-67 of the Education Act.
school boards	Education Act,ss.42-48	The Governor in Council may designate a geographic area of the Province as a school district, and establish a district school board to administer, control and manage the schools within the district. The duties and powers of a school board are outlined in s.48 of the Education Act.
	Education Act,s.129	A town shall be a separate school section, and the control and management of the public schools of a town that is not located within an area designated under the Education Act as a school district shall be vested in a board of commissioners which shall have the powers and perform,the duties conferred and imposed upon district school boards by the Education Act. Hantsport is the only town not operating under a District Board.

EDUCATION (cont'd)

school board membership	School Board Membership Act,s.2	School board means a district school board or board of school commissioners for a town, and school district means the school district designated pursuant to the Education Act.
number of members	School Board Membership Act,s.3	A district school board shall consist of the number of members, a multiple of three, agreed upon by the municipalities and the Minister of Education, in the agreement entered into respecting the establishment of a district school board. A school board for a town which is not in a school district shall consist of six members.
	School Board Membership Act,s.4	Members of a school board are elected or appointed as follows: - one-third shall be elected; - one-third shall be appointed by the Province; - one-third shall be appointed by the council or councils of the municipality or municipalities which are located in the school district, or in the case of a town which is not in a school district, the council of the town.
transportation	Education Act,s.48(2)	A school board must provide and pay for the conveyance of pupils to and from school.
Vocational schools	Education Act,s.54B	The Governor in Council may establish and maintain vocational schools, technical schools, miners' schools, schools for instruction under the Apprenticeship Act with the approval of the Minister of Labour, and schools for vocational teacher education.

ELECTRICAL UTILITIES **Local power commissions**		Several municipal units in Nova Scotia (Antigonish, Canso, Kentville, Mahone Bay, Riverport, Lunenburg, Berwick) have incorporated local power commissions by private acts of incorporation. Under the Public Utilities Act, companies furnishing electricity are public utilities and are subject to the general supervision of the Board of Commissioners of Public Utilities.
Nova Scotia Power Corporation		
powers	Power Corporation Act, ss.4,9	The Nova Scotia Power Corporation is a body corporate and agent of the Province. The Corporation may expropriate any land which it deems necessary or useful to the attainment of its objects. Upon a plan and description of any land so expropriated, signed by the Chairman or president of the Power Corporation, being deposited in the appropriate Registry of Deeds office, such land shall thereupon become and remain vested in the Corporation. The Expropriation Act shall apply to any such expropriation and the Chairman or President will be deemed to be the "expropriating authority" for the purposes of the Expropriation Act.
expropriation	SEE EXPROPRIATION, Nova Scotia Power Corporation	
taxation	Power Corporation Act, s.16	The Nova Scotia Power Corporation and its property are exempt from taxation but it must pay to municipal units a grant in lieu of taxes. The Governor in

ELECTRICAL UTILITIES (cont'd)

taxation (cont'd)		Council may, by regulation, increase the amount of the grant effective for the taxation year 1981 and every third taxation year thereafter.
ENVIRONMENTAL PROTECTION		
purpose and application of Environmental Protection Act	Environmental Protection Act,ss.2,3,50	The purpose of this Act is to provide for the preservation and protection of the environment. It applies to the provincial government, Crown corporations, agencies, officers, servants, and employees. It does not apply to accepted ordinary activities of individuals, households and farms except to the extent prescribed by the Governor in Council. Environment is defined to mean the air, land and water, or a combination or part thereof within the jurisdiction of the Province. Air is defined to mean open air not enclosed in a building, structure, machine, chimney, stack, flue, tank or pipe. Land is defined to mean surface land not enclosed in a building, land covered by water, and all subsoil or any combination or part thereof. Water is defined to mean surface water and ground water or either of them.
power of Minister	E.P.A.,s.8	The Minister of Environment, for the purpose of administration and enforcement of this Act and regulations, is empowered to: - develop, co-ordinate and enforce policies, planning and programs relating to the preservation and protection of the environment;

ENVIRONMENTAL PROTECTION (cont'd)

- co-ordinate the work and efforts of departments, boards, commissions, agencies and officers of the Province respecting any matter relating to the preservation and protection of the environment;
- investigate and control problems of pollution, waste management, waste disposal, litter management and litter disposal;
- regulate and control the construction, operation and management of water treatment facilities and waste treatment facilities, including waste disposal sites;
- develop and recommend methods and plans for the disposal of liquid and solid waste, including domestic and industrial refuse, abandoned vehicles and machinery, litter and debris, consistent with sound health, scenic environmental quality and land use practices;
- promote restoration and reclamation of degraded or despoiled areas of the environment;
- regulate and control the use, storage and disposal of biocides and chemicals or minerals which may be harmful to man, animals, plant life or natural resources;
- encourage and control recycling and reuse of materials and energy to conserve resources and reduce waste products;
- make grants and loans for research and the training of persons relating to pollution, waste or litter and for the development of waste management and waste disposal facilities as provided for by regulation;
- establish and operate demonstration and experimental waste disposal, waste treatment and litter disposal sites;

ENVIRONMENTAL PROTECTION (cont'd)

- adopt, amend, repeal or prescribe standards regarding the quality and character of contaminants and waste that may be discharged into the environment and establish the permissible level by regulation;
- regulate and control the location, construction and operation of any plant, structure, facility, undertaking or thing that will or is likely to discharge waste or a contaminant into the environment or otherwise cause pollution;
- consult and seek the advice of the Environmental Control Council established under this Act, on any matter recited above and adopt any recommendations made by the Council.

further definitions E.P.A.,s.2

Pollution is defined to mean a detrimental alteration or variation of the physical, chemical, biological or aesthetic properties of the environment which results or may result from an act or omission over which the Legislature has jurisdiction. Pollute has the same meaning.

Waste management means the collection, handling, transportation, storage, processing and disposal of waste and may include one or more waste disposal sites or techniques.

Waste means a substance which, if added to the environment, would pollute or tend to pollute and includes rubbish, slimes, tailings, fumes, smoke of mines, factories or other industrial wastes, effluent, sewage, garbage, refuse, scrap, litter or other waste products of any kind whatsoever.

ENVIRONMENTAL PROTECTION (cont'd)

Litter includes material left or abandoned in a place other than a receptacle or place intended or approved for receiving such material.

Contaminant is defined to mean a solid, liquid, gas, odor, heat, sound, vibration, radiation or combination of them and includes any transfer of energy present in the environment which causes a detrimental variation or alteration of the environment as a result directly or indirectly of the activities of man.

Detrimental variation or alteration means a change

(a) that causes or is likely to cause

- (i) impairment of the quality of the environment for any use that can be made of it, or
- (ii) physical injury or serious discomfort to any person, or
- (iii) injury or damage to property, plant or animal life, which renders any property, plant, or animal life unfit for the use to which it is normally put, or significantly disturbs the natural ecological balance; or

(b) contrary to the permissible level established by the Minister by regulation.

municipality, defined E.P.A.,s.2

Under this Act, "municipality" is defined to mean a city, town, village service commission or municipality of a county or district, and "municipal" has the same meaning.

Environmental Control Council	E.P.A.,ss.9-20,27	Provides for the establishment of the Environmental Control Council. The Council is responsible to the Minister and is empowered to: - recommend to the Minister policies, planning and programs related to the preservation and protection of the environment; - review and appraise programs and activities of other persons, government departments and agencies in light of their impact or effect upon the environment, and make recommendations to the Minister including, but not limited to, environmental guidelines for their use; - consult and cooperate with other government departments and agencies having duties and responsibilities in relation to the environment; - inquire into and report to the Minister upon any matter pertaining to the preservation and protection of the environment; - recommend to the Minister regulations and standards for the protection and preservation of the environment; - appoint standing or special committees and delegate to them the authority required to perform their functions and duties; - perform such other acts and duties as may be assigned to it by the Governor in Council or the Minister.

Environmental Control Council (cont'd)		The Minister may at any time authorize the Council or its executive committee to hold hearings in relation to plan approvals, permits, or orders made by the Minister or Deputy Minister and any other matter pertaining to the preservation and protection of the environment.
permits	E.P.A.,s.23	A person is prohibited from owning, occupying, operating, or being responsible for the operation of a plant, structure, facility, undertaking or thing that discharges, releases, deposits, drains, emits or threatens or allows the discharge, release, deposit or drainage or emission of waste into the environment or otherwise causes or tends to cause pollution unless he has obtained a permit from the Minister.
prohibition on removing material, causing pollution		No person owning, occupying, operating or responsible for the operation of a plant, structure, facility, undertaking or thing shall remove any material from the environment, the removal of which causes or tends to cause pollution, without a permit from the Minister.
permits issued under other Acts	E.P.A.,ss.24,51	No permit, approval, license or other authorization shall be issued or granted under any other Act or regulation that permits, approves, licenses or otherwise authorizes a person to own, occupy, operate or be responsible for the operation of a plant, structure, facility or thing that discharges, releases, deposits or emits waste into the environment or otherwise causes or tends to cause pollution, unless the approval of the Minister has first been obtained.

ENVIRONMENTAL PROTECTION (cont'd)

The Minister with the approval of the Governor in Council may make regulations exempting a permit, approval, license or other authorization or class thereof from the application of this section.

Ministerial orders E.P.A.,s.26

Where a person owns, occupies, operates or is responsible for the operation of a plant, structure, facility, undertaking or thing that the Minister on reasonable and probable grounds believes is causing or may tend to cause pollution or contravenes regulations or standards prescribed by the Minister under this Act, the Minister may issue an order immediately or upon such notice as he deems fit, requiring the person to whom the order is directed to:

- cease the contravention specified in the order;
- limit or control the rate of addition, emission, or discharge of the waste into the environment in accordance with the direction set out in the order;
- stop the addition, emission, or discharge of the waste into the environment;

    - permanently,
    - for a specified period, or
    - in the circumstances set out in the order;

- comply with the directions set out in the order relating to the manner in which the waste or other pollution may be added, emitted or discharged into the environment;

ENVIRONMENTAL PROTECTION (cont'd)

		- comply with the directions set out in the order relating to the procedures to be followed in the control or elimination of the addition, emission or discharge of the waste into the environment; - install, replace or alter the equipment or thing designed to control or eliminate the addition, emission or discharge of the waste into the environment; - immediately stop operations or shut down or stop the operation of a plant, equipment, structure, facility, undertaking or thing, either permanently or for a specified period of time or both, where the Minister on reasonable and probable grounds believes there is an immediate danger to human life, to the health of a person, to property, or there is a likelihood of irreparable or irreversible damage to the environment.
plans and specifications	E.P.A.,ss.28,29	A person is prohibited from commencing the construction of a plant, structure, facility, or undertaking or thing that will or is likely to cause pollution contrary to this Act or the regulations unless the plans and specifications for them are approved by the Minister.

ENVIRONMENTAL PROTECTION (cont'd)

		A person owning, occupying, operating, or responsible for the operation of an existing plant, structure, facility, undertaking or thing is also prohibited from altering or modifying that plant, structure, facility, undertaking or thing where the alteration or modification will or is likely to result in the emission or discharge of waste into the environment or otherwise cause or tend to cause pollution contrary to this Act or the regulations unless the plans and specifications for them are approved by the Minister.
control programs	E.P.A.,ss.30,31,32,33	
remedial action order	E.P.A.,s.34	The Minister, after consulting with the executive committee of the Environmental Control Council, may order remedial action to be taken to control, combat, eliminate, or mitigate a cause of pollution. Where any person causes or permits pollution, the Minister, after consultation with the executive committee, when he is of the opinion that it is in the public interest to do so, may order such person to do all things and take all steps necessary to repair the injury or damage.
effect of order, approval or decision of the Minister	E.P.A.,s.35	An order or approval or decision of the Minister under the Environmental Protection Act is binding upon the successor or assignee of the person to whom it is directed.

ENVIRONMENTAL PROTECTION (cont'd)

orders etc. made under Water Act	E.P.A.,s.36	Every order, requirement, permit or license given, made, or issued pursuant to the Water Act or any other Act under the administration of the Department of Environment is deemed to be given, made or issued as the case may be, under this Act. Every such order, direction, requirement, permit, or license continues in force until revoked, suspended, or varied by the Minister.
appeals -control order -permits -plans and specifications for proposed construction or alteration of a plant, etc. -regulation -remedial action order -repair order -stop order	E.P.A.,s.53	A person who is aggrieved by a regulation made under the Act, the refusal of the Minister of Environment to grant or issue a permit, the suspension or cancellation of a permit by the Minister, the granting of a permit by the Minister subject to terms and conditions, the issuance or variation of a control order, the issuance or amendment of a stop order, the refusal of the Minister to approve plans or specifications under section 28 or an order of the Minister under section 34, may appeal on a question of law or on a question of fact, or on a question of law and fact, to a judge of the county court. The decision of the judge is final and binding on the Minister and on the appellant.
-Ministerial order	E.P.A.,s.38	A department, board, commission, agency or officer of Her Majesty, subject to or affected by an order of the Minister, may appeal to the Governor in Council who may confirm, amend, or revoke the order.

ENVIRONMENTAL PROTECTION (cont'd)

municipal by-laws	E.P.A.,s.37	Subject to the following paragraph, the Environmental Protection Act or the regulations do not affect or impair the validity of a municipal by-law relating to matters dealt with in this Act or the regulations except in so far as the by-law is contrary to, or in conflict with or inconsistent with this Act or the regulations. Where there is a conflict, inconsistency or repugnancy between the by-law and this Act or regulations, this Act or the regulations prevail.
conflicts with municipal by-laws		A municipal by-law or regulation or a provision in such by-law or regulation, or an order or permit issued by a municipal unit that is in any manner in conflict with, repugnant to or inconsistent with the provisions of this Act or regulations, orders or permits made or issued under this Act, is to the extent of the conflict or repugnancy suspended and of no effect.
regulations	E.P.A.,s.51	The Minister, with the approval of the Governor in Council, has the power to make regulations: - prescribing the manner in which and the grounds upon which the Minister may issue, suspend, cancel, renew or reinstate a license or permit required under this Act; - exempting persons or classes of persons, matters or things from the provisions of this Act and the regulations; - prescribing types of activities to which this Act applies; and - respecting any other matter or thing that is necessary to carry out effectively the intent and purpose of this Act.

EXPROPRIATION	SEE ALSO MARSHES, Marsh bodies; MUNICIPAL PLANNING STRATEGIES.	
Nova Scotia Power Corporation	Power Corporation Act, ss.7,9 Expropriation Act,s.8 See Approving Authority, below	The Power Corporation has all the powers that the Nova Scotia Power Commission had before the coming into force of the Power Corporation Act. The Corporation may expropriate any land which it deems useful or necessary for the attainment of its objects.
Rural municipality	Municipal Act,ss.172,173 Expropriation Act	Whenever the council of a rural municipality deems it necessary to acquire land, it may, from time to time, expropriate land whether situated within the municipality or elsewhere for the following purposes: - streets, roads, lanes, sidewalks, bridges, parks, public grounds or public parking places; - reservoirs; - water systems or waterworks or any connections with them; - sewers or drains or any connections with them; - a courthouse, lockup, fire station, police office, school, teacherage or any other building which it may lawfully erect; - for any other purpose for which it lawfully may spend money. Land is defined to include: - land whether held in fee simple or for any lesser interest;

EXPROPRIATION (cont'd)

- subject to the Water Act, a stream, water course, or land covered with water;
- subject to the Water Act, a right of way, easement or privilege in, under, upon, over or relating to land, including the right to dam up or stop the flow of water or to overflow land; or
- any interest in land.

When the council of a rural municipality expropriates land, it must prepare a plan and description of the land and may by any of its officers, servants or agents enter upon the land to survey or examine it and may make any borings or other excavations in it. If the expropriation is not completed, the municipality must reimburse the owner for any damage done to the land.

Town council

Towns Act,s.177
Expropriation Act

Whenever the town council deems it necessary:
- to lay out, open, construct, maintain or improve or alter any street, road, lane, sidewalk, thoroughfare, bridge, square, park or public grounds;
- to construct, alter, enlarge, improve or repair any reservoir;
- to lay down, take-up or repair any water pipes;
- to construct, alter, enlarge, improve or repair any sewer or drain;
- to erect, acquire, purchase, alter, add to or improve any building for a public school, fire department, police office, lock-up, town hall, or other town purpose; or
- to acquire land required for the purposes of the town;

EXPROPRIATION (cont'd)		the council may from time to time and if necessary, enter upon and take the lands or property of any person, or may remove therefrom any buildings, projections, walls, fences, or other things or any portion thereof, and for the purposes outlined above, council may enter upon and take such lands or property or remove anything therefrom whether such lands, property or things are within or without the boundaries of the town. When a town council expropriates land or property it must cause a plan of such land or property to be made and filed in the office of the town clerk.
Exceptions	Municipal Act,s.172(3)	Nothing in the Municipal Act or any other Act shall authorize: - a city or town, commission or board operating a service for a city or town, to expropriate any property of a municipality or of a commission or board operating a service for a municipality; or - a municipality or a commission or board operating a service for a municipality, to expropriate any property of a city, town, another municipality or a commission or board operating a service for a city, town or another municipality.
Village commissions	Village Service Act, ss.41,42 Expropriation Act	Village commissions have expropriation powers similar to that of a town council and may also expropriate land to acquire the whole, but not part, of any water system or sewer system existing wholly or partly within the village, and not owned by a city, town, rural municipality or other village commission. They must file a plan of any expropriated land or property in the office of the clerk of the village commission.

EXPROPRIATION (cont'd)

		The Commission may also adopt by-laws regulating and controlling the acquisition, operation and maintenance of all or any of the matters or things for which they may expropriate land or property.
Province of Nova Scotia	Expropriation Act, ss.10, 11, 24	The Province may expropriate land - for any purpose for which a Minister or the Governor in Council is authorized under a specific Act or the Expropriation Act to expropriate lands; - to implement or carry out or effect an agreement entered into between the Province and the Government of Canada or a city, town or rural municipality or any combination thereof if the agreement is financed from public funds; - for any public work; - for any purpose that is a public purpose. Public work is defined to include highways, roads and bridges, public buildings, and all other works and property, whether or not of the kind mentioned, belonging to the Province, and also all other works and property acquired, constructed, extended, enlarged, repaired, equipped or improved at the expense of the Province or for the acquisition, construction, repair, extending, enlarging, or improving of which any public money is appropriated by the provincial government, and every work required for any such purpose but not any work for which money is appropriated as a subsidy only.

EXPROPRIATION (cont'd)

documents required

Where a statutory authority has authority to expropriate land and wishes to expropriate it, the expropriating authority must deposit at the office of the registrar of deeds for the registration district in which the land is located, a document or documents setting forth a description and plan of the land, the nature of the interest intended to be expropriated and whether such interest is intended to be subject to any existing interest in the land, the statutory purpose for which the land is expropriated, and a certificate of approval executed by the approving authority or a true copy thereof.

time of vesting

When the documents have been deposited at the office of the appropriate registrar of deeds

- the land expropriated becomes and is absolutely vested in the expropriating authority; and
- any other right, estate, or interest is as against the expropriating authority, or any person claiming through or under the expropriating authority, thereby lost to the extent that such right, estate, or interest is, inconsistent with the interest expropriated.

compensation

Where land is expropriated, compensation is paid as determined in accordance with the Expropriation Act and where the amount of compensation cannot be agreed upon, a settlement is determined by the Expropriation Compensation Board under the Expropriation Act.

Approving Authority for Expropriation	Expropriation Act,s.8	For the purposes of the Expropriation Act, approving or statutory authority means: (a) the Governor in Council in respect of land expropriated by (i) Her Majesty the Queen in the right of the Province, (ii) the Nova Scotia Power Corporation, (iii)Maritime Telegraph and Telephone Company Limited, (iv) the Halifax-Dartmouth Bridge Commission; (b) the municipal council in respect of land expropriated by a municipality; (c) the town council in respect of land expropriated by a town; (d) the village commissioners in respect of land expropriated by a village; (e) the appropriate city council in respect of land expropriated by (i) the City of Halifax, (ii) the City of Dartmouth, (iii)the City of Sydney; (f) the city council of Halifax in respect of land expropriated by the Halifax Public Service Commission; (g) the elected political body to which it is responsible in respect of land expropriated by any corporation, commission or body not coming within the above clauses except that in the case of Her Majesty the Queen in the right of the Province, the Governor in Council; and (h) any case not provided for herein, the Attorney General.

Application of Expropriation Act	Expropriation Act,s.4	The Expropriation Act applies to the provincial government and to any person or body empowered by statute to expropriate land or cause injurious affection. Provisions of any general or special Act providing procedures with respect to the expropriation of land or the compensation payment for land expropriated or for injurious affection are deemed to refer to the Expropriation Act and not the Act in question. Where there is conflict between a provision of the Expropriation Act and a provision of any other general or special Act, the provision of the Expropriation Act prevails.

FENCES	Common Fields Act, Fences and Detention of Stray Livestock Act, Fences and Impounding of Animals Act, Municipal Act,s.191(29), Towns Act,ss.160,161, 221(26).	
FERRIES	SEE TRANSPORTATION	
FIRE PROTECTION		
Fire districts	Rural Fire District Act, s.16	An area in a municipality will be declared to be a fire protection district by the Governor in Council where the majority of ratepayers are in favour of the incorporation of the area as a fire protection district.
Fire zones	Municipal Act,ss.206,207	A council of a municipality may create fire protection zones in the municipality and appoint firewards for each. Where a municipality does not create such zones, each polling district is a zone.
By-laws	Municipal Act,s.191(17) Towns Act,s.221(17) Village Service Act, ss.38, 38A, 42	The council of a municipality or a town or a village commission may make by-laws respecting fire prevention and protection. The Village Commissioners may assist with their men, apparatus, machinery, implements and equipment at fires occurring outside the village boundaries. The Commissioners may enter into an agreement with one or more cities, towns, municipalities, villages, commissions or persons on such terms and conditions

FIRE PROTECTION (cont'd)

		as the commissioners may determine for giving assistance at fires outside of the district, for receiving assistance at fires within its boundaries or for both, and may make such expenditures as are necessary to carry out the terms of the agreements.
Plans and specifications	Fire Prevention Act, ss.2,8(3),28	Every architect, designer or owner shall, prior to the commencement of construction of a building or renovations to an existing building, submit the building plans and specifications to the Fire Marshal's office for plan examination and approval, however, plans for one or two-family dwelling units and private automobile garages do not require approval. Building is defined to mean any structure used or intended for supporting or sheltering any use or occupancy. The Fire Marshal reviews the plans and specifications for construction, alteration or repair of structures to ensure that proper precautions are taken against fire, the spread of fire and that life safety requirements are incorporated in the structure.
Order to remove, destroy or alter use or occupancy	Fire Prevention Act, s.16(2)	Where a building or premises supplied with heat or electrical power or both is in such a state of disrepair that fire starting therein might spread so rapidly as to endanger other buildings or properties, the Fire Marshal may, in writing, order that within a reasonable time to be fixed by the order, the owner must remove or destroy the building or premises; or the owner or occupier must repair the building or premises.

FIRE PROTECTION (cont'd)

		Where buildings or premises are so used or occupied that fire would endanger life and property, the Fire Marshal may, in writing, order that within a reasonable time to be fixed by the order, the owner or occupier must alter the use or occupancy of the building or premises.
Building inspection	Fire Prevention Act, s.19(1)	The council of every city, town or rural municipality must provide a regular system of inspection for buildings and premises situated within the city, town or municipality and may authorize other persons in addition to local assistants to exercise some or all of the powers conferred upon the Fire Marshal under section 16 (above) and 17.
Appeal	Fire Prevention Act, ss.21(1), 22	An order of a local assistant made under this Act may be appealed by the owner or occupier to the Fire Marshal within 10 days, who must affirm, modify or revoke the order. An owner or occupier of a building or premises affected by an order of the Fire Marshal made under section 16 or 21 of the Fire Prevention Act may appeal within five days of the service upon him of a copy of the order or decision, to a judge of the county court within whose jurisdiction the building lies, to review the same. The judge must hear and determine the matter and make such order as to him seems just. The decision is not subject to any appeal.
Safety standards	SEE BUILDINGS, Building by-laws	

FISHERIES	SEE ALSO COASTAL ZONE, ECONOMIC DEVELOPMENT	
Federal regulation	Fisheries Act (CANADA)	Under this Act the Government of Canada regulates Canada's fisheries and makes provision for their conservation.
Federal-Provincial Agreements	Fisheries Act(N.S.),s.9(2)	The Minister of Fisheries may, with the approval of the Governor in Council, enter into an agreement with the Government of Canada or other provinces, providing for the joint undertaking of any project that the Minister is authorized to undertake.
Fish plants location	SEE MUNICIPAL PLANNING STRATEGIES, REGIONAL DEVELOPMENT PLANS, LAND-USE BY-LAWS	
Fisheries Loan Board	Fisheries Development Act, ss.2,3,6,7,8	The Fisheries Loan Board is established as a body corporate with its members appointed by the Governor in Council. The board may make loans and guarantee loans to or on behalf of fishermen, companies, co-operatives, associations or other persons engaged directly or indirectly in the fishing industry or to or on behalf of any person for any purpose which in the opinion of the Governor in Council will encourage, sustain, improve or develop the fishing industry.

FISHERIES (cont'd)

		The board, with the approval of the Governor in Council, may also enter into agreements with the Government of Canada or another province, or with any person or organization, whether public or private, or any combination of them, for the better carrying out of this Act on such terms and conditions as may be approved by the Governor in Council.
		Fishing industry is defined to include the catching, harvesting, raising, handling, processing, marketing and distributing of fisheries resources and products and includes aquaculture.
		Aquaculture is defined to mean any activity in which energy, materials and organisms are intentionally manipulated in aquatic or marine systems in order to increase the productivity of the desired organic products including edible products, industrial products and decorative materials.
Ocean Industry Development	Canada-Nova Scotia Subsidiary Agreement	This Federal-Provincial agreement which will continue until 1986, outlines programs, including the development of an Ocean Industrial Park and incubator mall, that will assist the growth and development of our ocean resources.
Oyster cultivation	SEE COASTAL ZONE	
Pollution	SEE ENVIRONMENTAL PROTECTION	
Sea plants	Sea Plants Harvesting Act, s.6 Irish Moss Act,s.6	The Minister of Fisheries may make regulations concerning harvesting and conservation of sea plants and governing the harvesting of Irish Moss.

FORESTRY		
Forest Utilization Agreements	Lands and Forests Act, s.79(A)	The Minister of Lands and Forests may enter into and carry out agreements for the purpose of ensuring the best possible utilization of the forests of the Province and the products from it, for the stabilization and expansion of wood product industries and the sale, cutting and supply of wood fibre for those industries. An agreement will contain the terms and conditions deemed necessary by the Minister and will be for a period no longer than 10 years. It must also be approved by the Governor in Council. An agreement may be renewed for one period not exceeding 10 years.
Assessment and taxation		
commercial property	Assessment Act,s.1(ca)	Commercial property is defined to mean all property or part thereof except residential property and resource property, and includes the forest property owned by a person who owns fifty thousand acres or more of forest property in the Province.
forest property	Assessment Act,s.1(eb)	Forest property is defined to mean any lot of land, excluding any buildings or structures thereon, not used or intended to be used for residential, commercial or industrial purposes or any combination of such purposes.
resource property	Assessment Act,s.1(nb)	Resource property is defined to mean forest property owned by a person who owns less than fifty thousand acres of forest property in the Province.

FORESTRY (cont'd)

forest property assessment	Assessment Act,s.40B(2)	Forest property bona fide used or intended to be used for forestry purposes shall be assessed as property exempt from taxation but shall be separately identified, and the number of acres to which this section applies shall be set out on the assessment role. Section 35 provides that assessable property wholly exempt from taxation shall be valued and entered on the assessment role in the same manner as taxable property is valued and entered, but in a separate part and designated under the heading "Property Exempt from Taxation".
forest property taxation	Assessment Act,s.40B(1)	All forest properties bona fide used or intended to be used for forestry purposes are exempt from taxation except for the forest property tax provided for in section 40B(3)(4)(5) of the Assessment Act.
forest property tax	Assessment Act,s.40B(3) (4)(5)	In lieu of all rates and taxes of the town or municipality, an owner of forest property must annually pay a forest property tax equal to twenty-five cents per acre if the forest property is classified as resource property, or forty cents per acre if it is classified as commercial property and an additional annual tax not exceeding one cent per acre for fire protection where such a tax is levied. The tax is a lien on the property and the rate may be changed by the Governor in Council effective for the taxation year 1981 and every third taxation year thereafter. Liability for, payment and collection of the tax is also provided for.

FORESTRY (cont'd)

acreage	Assessment Act,s.1A(1)	In calculating the acreage of forest property, the assessor shall include as forest property owned by a person, any forest property owned by that person either in his own name or in the name of another whether it be by trust, a corporation in which he owns the majority of the voting shares, a subsidiary wholly-owned corporation, a subsidiary controlled corporation or otherwise.
change in use tax	Assessment Act,s.40B(6)(7)(8)(8)(10)	Where forest property or any part of it ceases to be land bona fide used or intended to be used for forestry purposes, section 40B ceases to apply, and a change in use tax equal to twenty percent of the assessed value of the land is due and payable to the municipal unit in which the land is situate, unless the land or part thereof becomes farm property in which case no change in use tax is payable. Liability for, payment, collection and notification of assessment of change in use tax is also provided for.
appeal -change in use tax -determination that land has ceased to be used for forestry purposes -determination of acreage	Assessment Act,s.40B(11)	An assessment for a change in use tax respecting forest property, or a determination that land has ceased to be bona fide used or intended to be used for forestry purposes, or a determination of acreage of forest property may be appealed in accordance with sections 77 and 78 of the Assessment Act.

FORESTRY (cont'd)

Forest and timberlands

supervision, direction and control	Lands and Forests Act,s.3	The Minister of Lands and Forests supervises, directs and controls the management, lease, sale or other disposition of Crown lands; the conservation and protection of all forests and timberland whether Crown lands or privately owned; and the protection, preservation and propagation of game and game fish.
reservation	Lands and Forests Act, s.13	The Governor in Council, upon the recommendation of the Minister, may reserve and set apart such Crown lands as he deems expedient for the maintenance and preservation of the forests, for the planting and cultivation of trees, for protecting and regulating the flow of water within the lands so reserved and set apart, for the development of water power to be derived therefrom, and for the protection and preservation of game.
timberless lands	Lands and Forests Act, s.15	Any lands upon which, in the opinion of the Governor in Council, the timber has been exhausted by lumbering operations or by fire or any other cause, and which should be reserved or set apart for any of the purposes referred to for reservations, may be expropriated under the Expropriation Act.
conservation	Lands and Forests Act, ss.16, 17	The Minister shall maintain and conserve the timber growing or to be grown upon lands reserved and set apart; plant and cultivate trees where necessary with a view to renewing the growth, where the timber has been wholly or partially exhausted; and preserve, protect and regulate the flow of water on such lands.

FORESTRY (cont'd) **Forest and Timberlands** (cont'd)		Lands reserved and set apart or purchased or expropriated are administered by the Minister under regulations made from time to time by the Governor in Council.
Forestry Advisory Council		
establishment	Forest Enhancement Act, ss.4,5	This Act establishes a Forestry Advisory Council, consisting of 9 members appointed by the Governor in Council, which will advise the Minister on the adequacy of forest management programs, forestry education and research, and matters relating to forest policy and strategy.
Commissioner of Forest Enhancement	Forest Enhancement Act, ss.6,7	The Governor in Council may appoint a Forest Enhancement Commissioner who shall facilitate the implementation of forest management programs, along with other duties assigned pursuant to the Act and the Regulations.
Forest Management Techniques		
Crown lands	Forest Enhancement Act, s.9	The forest management techniques to be used on Crown lands and to be recommended for use on privately owned land shall: - be designed to facilitate suitable natural regeneration wherever practical and involve selective cutting or the harvesting of individual trees or groups of trees within a stand and the shelterwood

FORESTRY (cont'd)

		harvest system involving one or more partial cuts carried out a decade or two before the final harvest; - permit consideration of the size and configuration of areas to be clearcut where circumstances warrant; - ensure that planting is undertaken where sites are not expected to regenerate adequately on their own; - make provision for early spacing or cleaning where naturally regenerated stands contain too many seedlings for good diameter growth; - provide for weeding or the removal of unwanted competing vegetation in stands to be managed; - provide for commercial thinning to enhance the future sawlog harvest where stand and site conditions permit; - reflect prevailing hazards with respect to forest insects, diseases and fire and related protection requirements and provide appropriate information and advice to forest land owners and occupiers; and - provide for the maximum utilization of primary forest products harvested.
Forest Management Programs	Forest Enhancement Act, s.8	Forest management programs in the Province shall be based upon the following principles: - the desirability of scheduling harvesting so that the most appropriate stands are harvested at the optimum times; - the advantages of allocating such stands to the most beneficial end use;

FORESTRY (cont'd)		- the need to create a suitable environment for the orderly, more efficient marketing of forest products; - a continuing vigorous silviculture program ensuring that all species will receive appropriate attention; - the importance of protecting the forest from fire, insects, diseases and unwanted competing vegetation; and - the importance of making the best economic use of all primary forest products harvested.
Game farms	Lands and Forests Act, s.142	A person is prohibited from keeping in captivity any game bird for the purpose of sale, barter, exchange, preservation, consumption or propagation unless he obtains a Game Farmer's License from the Minister of Lands and Forests.
Game sanctuary	Lands and Forests Act, s.161, SEE ALSO FORESTRY Wildlife management area	The Governor in Council may by order declare any area in the Province to be a game sanctuary and make such regulations as are necessary for its control and the protection of wildlife in it.
Crown lands adjacent to Highways	Forest Enhancement Act, s.10(1)(d)	The Forestry Advisory Council shall provide advice to the Minister on the management of forest vegetation on Crown lands adjacent to public highways to make them visually appealing; to demonstrate forest management practices to the travelling public, and to encourage similar practices on privately owned land.
Leases	SEE ALSO LAND OWNERSHIP, Crown Land	

FORESTRY (cont'd)

Crown timber leases	Lands and Forests Act, s.31	The Governor in Council, upon the recommendation of the Minister may give a lease of Crown lands upon prescribed terms, if the land proposed to be leased is of inferior quality and the persons proposing to lease it undertake to spend money in draining, dyking or developing the land.
		Crown lands may also be leased upon prescribed terms and conditions, provided the person proposing to lease them undertakes to spend money in erecting mills and machinery for the manufacture of wood products or pulp.
lease, development of water power	Lands and Forests Act, s.33	The Governor in Council, upon the recommendation of the Minister, may lease to any person, firm or corporation any Crown lands or any land covered with water, or the right of flowage over such land, for the purpose of storing water or creating reservoirs or basins for developing and maintaining water power for mining or other purposes. The lease will be for such terms and upon such conditions and restrictions as are prescribed by the Governor in Council.
lease, privilege to place dams and sluices	Lands and Forests Act, s.34	The Governor in Council may lease to any person, firm or corporation the privilege of placing dams, sluices or other works on any stream for the purpose of floating timber down the stream, and the amount paid for such right or privilege shall be fixed by the Minister.

FORESTRY (cont'd)		
lease, campsite	Lands and Forests Act, s.37	The Governor in Council may, upon the recommendation of the Minister and upon such terms and conditions and for such term as the Minister may recommend, give a lease of any Crown land for the purpose of a campsite. No lease may be greater than 5 acres in area.
grants of rights way to utilities	SEE EASEMENTS	
Licenses		
Crown timber licences	Lands and Forests Act, ss.44, 50, 61	The Minister may grant licenses to cut timber on ungranted Crown land. Every license to cut timber confers upon the licensee the right to take and keep exclusive possession of the lands described in the license while the same is in force subject however, to such conditions and 'terms as may be prescribed by the Minister and contained in the license. The Minister may issue a permit to any holder of a license to cut timber to erect a saw mill on the land covered by the license, under such regulations as the Minister prescribes.
removal of unauthorized structures	Lands and Forests Act, s.79	Where a structure is on Crown lands in respect of which there is not in effect a lease or license issued under this Act or a structure is placed on Crown lands by a person who is not the holder of a lease or license under this Act, the Minister by

FORESTRY (cont'd)

		written notice may require the person who erected or occupies or uses the structure to remove it within 60 days after service of the notice upon him. Structure is defined to include a building, wharf, fence or wall.
Timber Loan Board	Forests Act, s.20	Provides for the establishment of the Timber Loan Board and the chairman, members and staff are the same persons who from time to time are the chairman, members and staff of the Nova Scotia Farm Loan Board. The Timber Loan Board may make loans to persons for the purchase of forest lands in such amounts and upon such terms and conditions as may be prescribed by regulation.
Tree committees	Towns Act,s.173A-173F Municipal Act, s.97A-97F	A municipal council may by by-law establish a tree committee which shall: - formulate plans of tree planting; - ensure that trees on municipal lands are properly pruned, protected and repaired and encourage the proper pruning, protection and repair of privately owned trees in the municipal unit; - recommend and encourage the planting of trees of suitable species at desirable sites within the municipality. An owner of a tree or limb who is dissatisfied with an order of the committee ordering the removal of the tree or limb, may within thirty days of the date of the order appeal to the county court.

FORESTRY (cont'd)

		It is an offence to deface, mutilate or cut any tree upon property of the municipality without the prior written consent of the mayor or warden, or the Chairman of the Tree Committee if one has been established.
Wildlife management area	Lands and Forests Act, s.161(6) SEE ALSO AGRICULTURE, Fur farms, FORESTRY, Game farms, Game Sanctuary, RECREATION, Parks	The Governor in Council may by order, declare any area of the Province, a wildlife management area and may make such regulations as may be necessary for the control of it and the management of wildlife in it.
Woodlands		
woodland reserve	Municipal Act,s.188	A municipality may, by by-law, establish a woodland reserve either in perpetuity, subject to termination on certain conditions, or for such term as the by-law specifies. The municipality may purchase land for such a reserve or set aside any land owned by it for the reserve. A copy of the by-law establishing the reserve must be recorded in the office of the appropriate registrar of deeds.

FORESTRY (cont'd)
management plan

The by-law will expire and have no effect unless, within twelve months after its approval by the Minister of Municipal Affairs, a management plan has been agreed upon by the municipality and the Minister of Lands and Forests under section 189 of the Municipal Act; or an agreement has alternatively been entered into between the municipality and the Minister of Lands and Forests under section 190 of the Municipal Act.

A council of a rural municipality has no powers to do any act inconsistent with the management plan or the agreement with the Minister of Lands and Forests.

GARBAGE	SEE SOLID WASTE
GRAVE YARDS	SEE CEMETERIES
GRAVEL PITS	SEE PITS AND QUARRIES

HARBOURS	SEE TRANSPORTATION	
HAZARDOUS WASTE DISPOSAL	Dangerous Goods and Hazardous Waste Management Act, ss.5,6	A person responsible for dangerous wastes must notify the Minister of its location, quantity and its intended treatment or disposition. No one shall treat, store, dispose of or reprocess hazardous wastes except at a hazardous waste management facility approved by the Minister of Environment.
HEALTH AND SOCIAL SERVICES	SEE ALSO HEALTH REGULATIONS	
Child caring facilities	Children's Services Act, ss.2, 6	Child caring facility is defined to mean a foster home, a licensed boarding home for a child under 16 years of age, a group home, a place of safety, a residential centre, a receiving home, a training centre, a training school, or such other facility licensed or approved by the Minister of Community Services as a child caring facility. Child is defined to mean a boy or girl under 16 years of age unless the context otherwise requires. The Minister of Community Services may maintain and conduct: - training centres for the care, treatment, education and training of mentally retarded children; - training schools and other special facilities for the care and training of children in need of special protection; - residential centres; - residential treatment centres for the care and treatment of emotionally disturbed children;

HEALTH AND SOCIAL SERVICES (cont'd)

Child caring facilities (cont'd)		- and such other child care services or child caring facilities as the Minister approves for the proper carrying out of this Act.
Day care	Day Care Act, s.2	Day care means the providing of services pertinent to a child's physical, social, emotional, and intellectual development apart from the child's parents or guardian but does not include: (i) organized recreational or religious activities; or (ii)services exempted by the regulations.
day care facility		Facility under the Day Care Act means a building or part of a building at or in which day care is or may be provided but does not include a place such as a hospital or school which is subject to other statutory regulation.
license required	Day Care Act,s.4	No person shall conduct, maintain, operate or manage a facility or hold out that a facility is being operated unless there is a valid license to operate the facility.
alteration of day care facility	Day Care Act,s.10	No person shall permit or cause a facility for which a license is in force to be altered so as to increase or decrease its capacity or to significantly affect the care of children without first submitting to the Minister of Community Services plans of the alteration or addition and receiving the approval of the Minister.

HEALTH AND SOCIAL SERVICES (cont'd)

Municipal Facility	Day Care Act,s.12	With the approval of the Minister of Community Services, a municipal unit, or two or more units that enter into an agreement may, directly or through an agent, erect, acquire, purchase, lease, alter, add to, improve, furnish, and equip a building or part of a building as a facility and may purchase, lease or otherwise acquire land therefor and may operate and maintain a facility. In this section, "municipal unit" means a municipality to which the Municipal Act applies, a city or a town.
Regulations	Day Care Act,s.15	The Governor in Council may make regulations: - prescribing the form and contents of an application for a license; - prescribing the manner of application, the form and contents and the fees to be paid for a license; - prescribing the manner in which a license is to be displayed; - respecting a review by the Minister of action taken by him pursuant to this Act; - respecting records to be maintained by a facility; - respecting the conditions, including the number of children in a facility and child-staff ratios, under which a facility may be licensed; - respecting fees, subsidization, capital and operating costs; - prescribing the qualifications of staff in the facility; - requiring and prescribing standards of programs, services, health, space, fire protection and safety in or for a facility;

HEALTH AND
SOCIAL SERVICES (cont'd)

Regulations (cont'd)		- respecting a day care advisory committee to the Minister; - respecting the establishment of facilities; - defining any word or expression used in this Act not defined in this Act; - respecting such other matters or things as are necessary to carry out the intent and purpose of this Act.
Hospitals	Hospitals Act,ss.1,2,3,15 Nova Scotia Hospital Act	Hospital is defined to mean a building, a premises or place approved by the Minister of Health that is established and operated for treatment of persons with sickness, disease or injury and includes a maternity hospital, a nurses' residence and all buildings, land and equipment used for the purposes of the hospital.
	Nova Scotia Sanitorium Act SEE ALSO MUNICIPAL PLANNING STRATEGY, LAND-USE BY-LAWS	A T.B. sanitorium or hospital, a nursing home, a home for the aged and an infirmary or other institution the purpose of which is the provision of custodian care, and any hospital exempted from this Act are not governed by the Hospitals Act. A person is prohibited from operating a hospital unless it has been approved by the Governor in Council.

HEALTH AND SOCIAL SERVICES (cont'd)

Hospitals (cont'd)

A person is also prohibited from adding a building or an additional facility to a hospital or from making renovations in a hospital unless the plans and specifications for the building, facility or renovations have been approved by the Minister of Health or a person or body designated by him.

The Governor in Council may make regulations respecting hospitals including their establishment, construction, alteration, equipment, safety and maintenance; respecting the granting, refusing, suspending and revoking of approval of hospitals and of additions to or renovations in hospitals.

Nursing Homes

defined

Homes for Special Care Act,s.1,2,3,4,12,16,17,22
Senior Citizens Social Services Act

Nursing home is defined to mean a building or place or part of a building or place in which accommodation is provided or is available to persons requiring or receiving skilled nursing care including persons convalescing from or being rehabilitated after illness or injury. Places maintained by a person to whom the residents are related by blood or marriage, a hospital, a mental psychiatric hospital, a T.B. hospital, a maternity hospital, home operated pursuant to s.17 or s.20 of this Act, residential care facilities or maternity homes licensed under the Children's Services Act are not governed by this Act.

HEALTH AND SOCIAL SERVICES (cont'd)

residential care facility		Residential care facility is defined to mean any building or place or part of a building or place where supervisory care or personal care is provided to four or more persons. A place maintained by a person to whom the residents are related by blood or marriage, a public hospital, a mental or psychiatric hospital, a T.B. hospital, a maternity hospital or home operated pursuant to s.17 or s.20 of this Act, a jail, prison or reformatory are not included in the definition of residential care facility nor are maternity homes licensed under the Children's Services Act, nursing homes as defined above or a hotel licensed under the Hotel Regulation Act.
license		A license is required to conduct, maintain, operate or manage a residential care facility or a nursing home.
		A licensee is prohibited from adding to or altering a building used as a residential care facility or a nursing home without first submitting to the Minister of Community Services plans of the alteration or addition and receiving approval therefor.
homes for aged or disabled	SEE ALSO HOUSING, Municipal housing authority, Municipal housing corporations	A municipal unit or two or more municipal units after entering into an agreement, may directly or through an agent or corporation established under the Municipal Housing Corporations Act, erect, acquire, purchase, alter, add to, improve, furnish and equip a building as a home for the accommodation

HEALTH AND SOCIAL SERVICES (cont'd)

homes for aged or disabled (cont'd)		of aged or disabled persons, purchase or acquire land for these purposes, and operate and maintain homes for the aged and disabled persons.
regulations		The Governor in Council may make regulations: - determining a minimum physical space requirement per resident and otherwise prescribing the maximum number or residents of a facility, a nursing home, and a home; - respecting building regulations and the submission of plans for renovations and alterations for the Minister's approval; - generally respecting all aspects and for the better carrying out of this Act.
Senior citizens housing	SEE SENIOR CITIZENS	
HEALTH REGULATIONS	Health Act, ss. 11.47	The Minister of Health, with the approval of the Governor in Council, may make regulations with respect to any matter relevant to the public health, and, without restricting the generality of the foregoing, may make regulations: - respecting the storage, production, manufacture, processing, transportation or sale of foodstuffs of any kind and for the inspection and control of premises in which any of these activities are carried on, including regulations:

HEALTH REGULATIONS (cont'd)

- regulating or prohibiting the street vending of foodstuffs of any description from vehicles, push carts, and roadside stands;
- relating to the quality, kind, cleanliness, storage, production, care, manufacture, processing, transportation and sale of milk, cheese, cream, ice cream and soft ice cream and any other milk product produced for sale, offered for sale, sold or delivered within the Province;
- regulating and licensing restaurants, lunch counters, eating houses and mass feeding operations;
- respecting the sanitary conduct of slaughter houses and meat product plants;
- respecting the sanitary conduct of bottling plants;
- providing for the inspection of meat and meat products and prohibiting the sale or keeping for sale of meat or meat products that have not been inspected or have not been approved by an inspector;
- to provide for safe and potable water supplies, for the control of sources of water and systems of distribution, and for the purpose of preventing contamination or pollution of water that is used for human consumption;
- respecting the plumbing and drainage of buildings and premises and adopting with or without modifications relevant parts of the National Building Code of Canada;
- respecting public drains and sewers and for preventing pollution of lakes and streams;
- relating to the provision and maintenance of comfort stations used by the public;

HEALTH REGULATIONS (cont'd)

- relating to the collection and disposal of garbage and refuse;
- for the prevention and abatement of nuisances;
- for the control of offensive trades;
- for the prevention or mitigation of communicable diseases, for the relief of persons suffering therefrom, and for the burial of persons who have died therefrom;
- respecting the cleanliness and ventilation of places of assembly, steamboats, motor vessels, ferries and buses, and other public conveyances;
- for regulating, in order to prevent the spread of communicable disease, the entry or departure of boats, vessels, railway carriages or cars, buses or aircraft at ports, airports or places in the Province, and the landing of passengers or cargo from, or the receiving of passengers or cargo on board the same;
- respecting the sanitary conduct of commercial laundries;
- respecting the sanitary conduct of barber shops and beauty salons;
- for the prevention of unsanitary conditions and overcrowding of buildings used as dwelling places;
- providing for the inspection, supervision, regulation and control of camps, campsites, tents, trailer courts, places used as industrial construction camps, tourist camps, hotels, motels, and overnight cabins (so called);
- relating to the conduct of public health activities in schools;

HEALTH REGULATIONS (cont'd)

- respecting the cleanliness, lighting, heating and ventilation of schools, and other matters affecting health or safety of pupils;
- for preventing or reducing air pollution;
- respecting swimming pools and bathing places;
- designating diseases as notifiable diseases, requiring reports respecting them and prescribing precautions to be taken to prevent them from spreading;
- regulating stables, kennels and places where birds or animals are kept or confined;
- respecting private sewage disposal systems and the requirements for the design, installation and functioning of such systems;
- respecting lot specifications and requirements for the purpose of issuing permits for installation of private sewage disposal systems;
- respecting the approval of lots at the subdivision planning stage for suitability for installation of private sewage disposal systems and all procedures and requirements relating thereto;
- respecting the licensing of persons who install or service private sewage disposal systems for gain or reward;
- respecting any other matter relevant to the public health.

Anything which is injurious to the health, or indecent, or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property is deemed to be a nuisance under the Health Act. Provision is made for the abatement of any nuisance by order by a provincial magistrate.

HEALTH REGULATIONS (cont'd)		Copies of health regulations may be obtained by contacting the Registrar of Regulations, P. O. Box 7, Halifax, Nova Scotia, B3J 2L6.
HERITAGE CANADA	SEE HISTORIC SITES	
HIGHWAYS	SEE TRANSPORTATION	
HISTORIC SITES	SEE ALSO MUNICIPAL PLANNING STRATEGY, LAND-USE BY-LAWS	
Heritage Canada		Heritage Canada was incorporated nationally in 1973, to promote the conservation of heritage structures and natural landscapes and is a registered charity. It is governed by a board of directors elected by its membership and financed by the interest on a 12 million dollar federal government endowment, gifts and membership fees.
Historical Sites and Monuments Board	Historical Sites and Monuments Act (CAN.)	The Minister of Indian Affairs and Northern Development is authorized to acquire and maintain historic buildings, museums and other structures that are of national interest by reason of age or architectural design. The board is established to advise the Minister respecting the acquisition and preservation of historic places. A national inventory of historic buildings is also being undertaken.
Museums	Nova Scotia Museums Act, ss.3,7,8	This Act establishes a Board of Governors, which will control the general direction and administration of provincial museums. The Board may obtain property of historical, architectural, or cultural

HISTORIC SITES (cont'd)

Museums (cont'd)		interest for the use, enjoyment and benefit of Nova Scotians. The Board may assist municipalities and associations in acquiring, holding, preserving, maintaining, reconstructing, restoring, and managing property of historical, architectural or cultural interest for the benefit of Nova Scotians. The Museum Board of Governors may, with the approval of the Governor in Council, make by-laws to regulate the use of and protect museum property.
Heritage Property	Heritage Property Act,s.2	A municipal heritage property means a building, streetscape, or area registered in a municipal registry of heritage property. A provincial heritage property is one registered in the Provincial Registry.
purpose	Heritage Property Act,s.3	The purpose of this Act, is to provide for the identification, designation, preservation, protection and rehabilitation of buildings, streetscapes and areas of historic, architectural or cultural value and to encourage their continued use.
advisory council on Heritage Property	Heritage Property Act, ss.4,5	The Governor in Council may appoint not less than 5, nor more than 12 persons to be the Advisory Council on Heritage Property. The Council may advise the Minister of Tourism and Culture respecting: - the inclusion of buildings, streetscapes and areas in the Provincial Registry; - an application for permission to substantially alter or demolish a provincial heritage property;

HISTORIC SITES (cont'd)

advisory council on Heritage Property (cont'd)		- building or other regulations that affect the attainment of the intent and purpose of this Act; - any other matters conducive to the effective carrying out of the intent and purpose of this Act.
approval to demolish or alter	Heritage Property Act, ss.10, 15	Provincial heritage property shall not be substantially altered in exterior appearance or demolished without the approval of the Governor in Council. Municipal heritage property shall not be substantially altered in exterior appearance or demolished without the approval of the municipality.
Special Places	Special Place Protection Act,s.3	The purpose of this Act is to provide for the preservation, protection, regulation, exploration, excavation, acquisition, and study of archaeological and historical remains and palaeontological sites which are considered important parts of the natural or human heritage of the Province; to provide for the preservation, protection, regulation, acquisition and study of ecological sites which are considered important parts of the Province's natural heritage; and to promote understanding among the people of the Province of the scientific, educational and cultural values represented by the establishment of Special Places.
Advisory Committee on Protection of Special	Special Places Protection Act, ss.5,6	The Act established an Advisory Committee on the Protection of Special Places that is responsible to the Minister of Education and has the power to: - make recommendations on the administration, classification and acquisition of Special Places; - to conduct research for existing and possible future Special Places;

HISTORIC SITES (cont'd)

Advisory Committee on Protection of Special Places (cont'd)		- to recommend regulations to the Minister on management plans and other matters related to ecological sites; - to conduct research concerning the possible removal from designation of existing Special Places; - to ensure that if a Special Place designation is being considered that appears to effect the operation of some other public Act, the persons charged with the administration of that Act have the opportunity to make representations to the Committee before any recommendations are made to the Minister; and - to do any other thing that the Minister may assign to it.
designation as a protected site	Special Places Protection Act,s.7	The Minister of Education with the approval of the Governor in Council may designate any land in Nova Scotia, including land covered with water, that has outstanding archaeological, historical or palaeontological significance as a protected site.
procedure for designation of private land	Special Places Protection Act,s.7	If the land to be so designated is privately owned: - the Minister will give notice to the registered owner not less than 30 days prior to designation; - the owner may comment on the proposed designation within the period of time specified by the Minister, and - no person shall be entitled to any damages for compensation for injurious affection as a result of the designation of land or land covered with water.

HISTORIC SITES (cont'd)		
Heritage Research Permit	Special Places Protection Act, s.8	No person shall carry out explorations or make excavations on any land including land covered with water, for the purpose of seeking archaeological, historical or palaeontological objects or remains without a Heritage Research Permit.
HOME OWNERSHIP	Homeowner's Incentive Act, s.7	Subject to this Act, a person who owns and occupies a housing unit is entitled to a grant in respect of health services tax paid on the building materials consumed in the construction of the housing unit.
HOTELS	Hotel Regulations Act s.1	Hotel means a building or two or more connected buildings used mainly to furnish sleeping accommodation to the public of not less than six bedrooms; or every building, part of a building, group of buildings, or place of accommodation which provides three or more rooms for the reception of transient guests; tourist or overnight cabins; or any building designated as a hotel in the regulations.
license requirement	Hotel Regulations Act, ss.2, 8	No person shall operate a hotel in Nova Scotia unless it is properly licensed by the Minister of Tourism. The hotel license automatically expires if there is a change in ownership of the hotel.
regulations	Hotel Regulations Act, s.10	The Governor in Council may make regulations prescribing minimum standards of the materials to be used and the methods of construction to be observed in the construction, alteration, renovation and reconstruction of hotels; prescribing the minimum space required in respect of living and sleeping accommodations in hotels; with respect to grounds

HOTELS (cont'd)		
regulations	Hotel Regulations Act, s.10	and premises, approaches and parking facilities of hotels and trailer courts; prohibiting the construction, alteration, renovation or reconstruction of hotels without the approval of the Minister of Tourism of the plans and specifications for such work; for the provision of safe and adequate water supply in hotels; respecting hotel drainage and sewage and garbage disposal; and for the better carrying out of the provisions of this Act and for the more efficient administration of this Act.
HOUSING	SEE ALSO MUNICIPAL PLANNING STRATEGY, LAND-USE BY-LAWS	
Canada Mortgage and Housing Corporation		While legislative references will me made throughout this section of the Guide, the emphasis will be on the programs currently offered by C.M.H.C.
establishment	Canada Mortgage and Housing Corporation Act, ss.2, 18	Provides for the establishment of CMHC and empowers it, on behalf of the federal government and in place of the Minister administering the National Housing Act, to exercise and perform all rights, powers, duties, liabilities and functions of the Minister under the National Housing Act or under any contract entered into under those Acts, except the authority of the Minister under those Acts to pay money out of the Consolidated Revenue Fund.

HOUSING (cont'd)

assisted home ownership program (A.H.O.P.)	National Housing Act, s.2, 34.16	Where loans are made under Part IV.2 of the Nation Housing Act, entitled Loans to Facilitate Home Ownership, or are made by a province to assist in the construction or acquisition of a house or a condominium, CMHC may make annual contributions toward the repayment of the loan or the payment of the interest on it, or the payment of municipal taxes on the house or condominium with respect to which the loan was made.
Emergency Repairs Program (ERP)		The purpose of the program is to provide assistance to eligible owners or occupiers in rural areas to undertake emergency repairs required for the continued safe occupancy of their houses. Rural areas include communities of 2,500 population or less or those communities of 2,500 population with no discernable core or centre area in excess of 2,500. Household income must be within specified income limits, and non-repayable contributions are available on a one time basis only. Emergency Repairs are limited to urgent repairs required to make a house safe, and includes repairs to: heating systems, chimneys, doors and windows, foundations, roof, walls, floors, ceilings, vents, louvres, plumbing, and electrical systems.
Federal Cooperative Housing Program	National Housing Act, ss.34.18, 56.1	The purpose of the Cooperative Housing Program is to support the production of cost-effective co-operative housing which provides security to tenure for moderate income households who cannot afford home-ownership.

HOUSING (cont'd)

Federal Co-operative Housing Program (cont'd)

Under this program, co-operatives may build new housing, purchase and repair existing housing or convert non-residential buildings to dwellings. CMHC imposes cost limits to ensure that the housing is essentially modest in character. Housing charges paid by co-op members in the first year are comparable to rents in private rental buildings in the same area as the project.

Co-operatives assisted under this program may finance up to 100% of project capital costs through a CMHC-insured Index-linked Mortgage from a private lender, with a planned repayment period of thirty years.

Index-linked Mortgages feature initial payments which are relatively low. They have a special provision by which payments increase each year at two percent less than inflation. Increasing the payment each year at less than inflation leaves some extra room for operating cost increases, to ensure that the co-op's housing charges do not rise faster than rents in other buildings.

Where the mortgage payments and other operating costs in the first year of operations would require monthly charges in excess of market rent levels, federal assistance is provided to reduce the break-even charges to the market rent level. This assistance is adjusted each year according to a pre-established formula.

HOUSING (cont'd)

Federal Cooperative Housing Program (cont'd)		Rent Supplement assistance, provided in most provinces by both the federal and provincial governments, is available for 30% of the households in co-operatives assisted under this program. Each co-op must provide a minimum of 15% of its units to households receiving this subsidy. In most provinces, half of the households receiving this rent subsidy in any co-op must come from provincial or municipal waiting lists. The rest are selected from the co-operative's own list. To be eligible for Rent Supplement assistance, a household must be unable to obtain suitable accommodation without spending more than 30% of the household income on housing. Rent Supplement assistance reduces shelter costs to as low as 25% of household income. In addition, co-ops assisted under this program must design at least 5% of their unit for occupancy for people with physical disabilities, unless it is not practical to do so.
home improvement loans	National Housing Act, Part IV, Home Improvement Loans and Home Extension Loans, s.28	CMHC may guarantee bank loans for the improvement of existing homes and apartments.

HOUSING (cont'd)

home insulation grant program	CHIP - Canada Home Insulation Grant Program	This program is for owners of residential properties to upgrade the energy efficiency of their dwellings. Canada Mortgage and Housing Corporation acts as the agent for Energy, Mines and Resources Canada. The program was available to all housing units constructed prior to 1977, and provided a grant of up to $350 for insulation materials and up to $150 for labour. Over 90% of all eligible housing units in Nova Scotia have received this grant, thus it will be phased out in the near future.
home ownership loans	National Housing Act, Part IV.2, s.34.15	CMHC may make loans to assist in the construction or acquisition of houses or condominium units by individuals.
neighbourhood improvement	National Housing Act, Part III.1,s.27.1-27.7	The Neighbourhood Improvement Program (NIP) was phased out on December 31, 1983, except for municipalities which had received CMHC's approval to complete their projects early in 1984.
Non-Profit Housing Program		This program is designed to assist households unable to obtain affordable, adequate and suitable housing on the private market. Assistance will be provided to public and private non-profit organizations, including co-operative groups, to construct or acquire, own and manage housing units for households unable to afford private accommodation without having to pay more than 30% of their income for housing and special purpose groups.

HOUSING (cont'd)

Non-Profit Housing Program

Government assistance for projects without care or support services will be equal to the difference between the operating costs, including mortgage repayment, and rental revenues.

Government assistance for the residential portion of special purpose projects will be in the form of an interest rate writedown to 2%. The number of special purpose projects will be controlled through the application of a 10% cap on the total number of units within a province that can be used for this purpose.

Tenants will be charged rents according to a rent-to-income scale and based on the household's adjusted income. The exact percentage of adjusted income will depend on whether a federal rent-to-income scale or provincial rent-to-income scale is used.

Income mixing will continue within the limits of households unable to afford private accommodation without having to pay more than 30% of their income for housing.

Private non-profit groups may receive interest free proposal development funding loans of up to $75,000 per project. These loans are repayable except when a project does not proceed to commitment, in which case the expended portion of the loan is forgiven.

HOUSING (cont'd)

Non-Profit Housing Program		CMHC will insure private approved lender loans for up to 100% of acceptable project costs. No underwriting application fees or mortgage insurance premiums will be charged for projects committed under this program. The annual subsidy payable to projects without care or support services is equal to the difference between eligible annual operating costs and project revenues. The maximum annual subsidy payable for the residential portion of special purpose projects (i.e. those with care or support services) is equal to an interest rate writedown to 2%.
Residential Rehabilitation Assistance Plan (RRAP) for the Disabled in Nova Scotia	National Housing Act, Part IV.1, s.34.1	The purpose of this program is to provide accessible housing to the disabled, in both rural and urban areas. To assist in carrying out renovations, a loan up to $10,000 may be granted to a homeowner, with a forgiveable portion of $5,000. The forgivable amount depends on the cost of the renovations or modifications, and the total household income. For landlords undertaking accessibility work, the forgiveness portion is equal to the cost of the modifications up to a maximum of $5,000 for each self-contained unit and $2,500 for each bed unit. Landlords qualify for the forgiveable portion only and are limited in the rent they may charge.

HOUSING (cont'd)

regional sewerage water supply plan	National Housing Act, Part VIII, s.52.3 SEE ALSO SEWAGE	CMHC may enter into an agreement with any province or municipality within a province whereby CMHC will make contributions not exceeding one-half of the cost of the preparation of the comprehensive plan for the development of sewerage facilities in a region of the province, or the development or improvement of the water supply services in a region of the province, or a comprehensive plan for both purposes.
Rent Supplement Program	National Housing Act, s.14.1	The Rent Supplement Program provides assistance to households in need by reducing their rent to less than 30% of their income. The exact percentage of adjusted household income will depend on whether the federal or provincial rent-to-income scale is used. To make this assistance available, the government and a landlord, a private non-profit corporation or a housing cooperative sign an agreement, designating a number of housing units to be leased to the government or its agencies, for an agreed market rent and a maximum term of 35 years. The difference between the agreed market rent and the geared to income rent paid by the occupant is cost-shared between Canada Mortgage and Housing Corporation and the Province. Selected units must comply with CMHC's minimum property standards. Landlords, non-profit corporations or not-for-profit continuing housing co-operatives will receive the difference between the rent/occupancy charges paid by the Rent Supplement client and the market rent/occupancy charges agreed to under the rental agreement.

HOUSING (cont'd)

Rent Supplement Program (cont'd)

The commitment for rent supplement assistance is for 35 years. Renewable three to five-year agreements are entered into with landlords to designate units and specify market rents.

Rental Residential Rehabilitation Assistance Program

The purpose of the program is to assist households occupying substandard rental housing by providing assistance to landlords to repair or improve the dwelling units to a minimum level of health and safety. RRAP financial assistance is provided in the form of a forgivable loan when eligibility criteria are met.

The forgivable loan amount depends on both the actual cost of repairs and the relationship of post RRAP rents to average market rents, and could be:

- up to $17,000 per self-contained dwelling;
- up to $8,500 per hostel bed.

An eligible property would be one that is owned by the applicant; is a rental dwelling, hostel, or rooming house; and the property requires major structural, electrical, plumbing, heating or fire safety repairs. The property must have been constructed and occupied for a minimum of five years; the rent charged must be below the average market rent for similar premises; and the applicant must agree to enter into a 15 year agreement to seek annual rent increases and to comply with the provincial rent controls.

HOUSING (cont'd)

mortgage insurance	National Housing Act, s.6	CMHC insures eligible mortgage loans made by approved lenders to provide for recovery in case of default by the borrower. Where default occurs, lenders may recover losses from the Mortgage Insurance Fund, which is administered by CMHC and funded through insurance premiums paid by borrowers. Loans eligible for NHA mortgage insurance must meet the criteria established by CMHC. This insurance is required for high ratio loans and is available to facilitate the acquisition, refinancing and improvement of existing housing, and the construction of new housing. Such insurance is also required of non-profit and cooperative housing projects for which a mortgage interest rate subsidy is provided under Section 56.1 of the National Housing Act.
water and sewerage projects	National Housing Act, Part VIII, ss.50, 51 SEE ALSO SEWAGE, Sewage works, assistance to Municipal sewage works	In order to assist in the elimination or prevention of water and soil pollution, CMHC may make a loan to any province, municipality, or municipal sewerage corporation for the purpose of assisting in the establishment or expansion of a sewage treatment project.
rural housing program	National Housing Act, ss.40, 56 SEE Emergency Repair Program	

HOUSING (cont'd) veterans	National Housing Act, s.56	CMHC may enter into contracts with builders to encourage the construction of houses to be sold to prospective homeowners. Such contracts may provide that during such period as the Corporation requires, the builder will offer the houses for sale only to veterans or persons engaged in the production of defence supplies as defined in the Defence Production Act (CAN.) Veteran means one who had been paid or is entitled to be paid a war service gratuity.
Condominiums	SEE CONDOMINIUMS	
Housing agreements	Municipal Act,ss.136(42), 140A; Towns Act,ss.112,122A	Subject to the approval of the Minister of Municipal Affairs, the council of a rural municipality or of a town, may make, enter into and carry out agreements relative to projects under the National Housing Act with CMHC, the Nova Scotia Department of Housing or any other body corporate or agency having similar objects.
Nova Scotia Department of Housing		The Department of Housing publishes a Program Summary each year outlining the various forms of assistance, eligibility requirements and application procedures for its housing programs. Further information can be obtained from the Department of Housing, P.O. Box 815, Dartmouth, B2Y 3Z3.
	Housing Act,ss.2,3	The purpose of this Act is to improve and increase the housing stock of the Province. This Act establishes a Department of Housing with a Minister who has the general supervision of the Department.

HOUSING (cont'd)

- replacement/ dissolution of the Nova Scotia Housing Commission	Housing Act,s.10	In 1983, all the rights and privileges of the Nova Scotia Housing Commission were vested in accordance with this Act in the Minister of Housing and all the obligations of the N.S.H.C. become the obligations of the Minister. The N.S.H.C. was dissolved.
- agreements by Minister	Housing Act,s.6	The Minister may with the approval of the Governor in Council and on behalf of Her Majesty in the right of the Province, enter into agreements with the Government of Canada, the government of a Province or a municipality or agent of any of them, or any person for the purposes of this Act.
- agreements by Municipalities	Housing Act,s.6	Every municipality may enter into agreements with the Minister pursuant to this Act or the regulations.
- aquisition of property	Housing Act,s.8	The Minister may acquire any estate or interest in real and person property - for the purpose of implementing or carrying out any agreement or arrangement entered into pursuant to this Act or the regulations; - for the purpose of any housing program or development; - for research into housing; or - for any other purpose in relation to a matter under the administration of the Minister, and, without limiting the generality of the foregoing, may take mortgages or other security with respect to real or personal property.
- Purchase in excess of 25 acres	Housing Act,s.8	An acquisition of real property by the Minister in excess of 25 acres in a single transaction requires the approval of the Governor in Council.

HOUSING (cont'd)		
- Expropriation	Housing Act,s.8	The Minister may expropriate any estate or interest in real property which the Governor in Council deems necessary or useful for the attainment of the objects of this Act.
- Projects	Housing Act,s.17	Except as otherwise provided by this Act, the Minister, with the approval of the Governor in Council, may on behalf of the Province, acting alone or jointly with the Government of Canada, the government of a province, an agency of any of those governments, a municipality or any person, undertake, establish, operate and maintain for housing, urban renewal or other purposes, projects of all types and without limiting the generality of the foregoing, may: - study housing needs and conditions; - encourage and promote public and private initiative in housing and neighbourhood improvement matters; - provide services to or otherwise develop real property; - construct, hold, maintain and manage housing projects or other housing accommodation of the hostel or dormitory type for sale or for rent; - construct, hold, operate, manage and maintain commercial or recreational facilities or any combination of both; - improve and convert existing buildings for a housing project or for housing accommodation of the hostel or dormitory type; - prepare and carry out plans for neighbourhood improvement;

HOUSING (cont'd)
Projects (cont'd)

- encourage and promote cooperative housing through the formation and organization of companies for the purpose of building and providing sufficient and suitable housing units in any part of the Province and selling and leasing the housing units;
- encourage and promote the formation and incorporation of limited-dividend housing companies and non-profit corporations eligible for loans under the National Housing Act (Canada);
- construct, acquire, renovate and maintain housing units of all types, and sell, lease or otherwise dispose of such housing units on such terms and conditions as may be determined;
- encourage the construction of student housing projects or the acquisition of existing buildings and their conversion into student housing projects and for that purpose encourage and promote the formation and incorporation of charitable corporations eligible for loans under the National Housing Act (Canada);
- establish housing projects and construct housing accommodation of all types for sale or for rent;
- plan, design, build, own, maintain, manage and operate housing projects.

Municipal powers
re: taxation

Housing Act,s.19

Subject to the regulations, a municipality may:
- limit the municipal taxes levied in respect of the property owned by a company or corporation established for the purposes of this Act for such period as the municipality may determine;

HOUSING (cont'd)

		- exempt from municipal taxation or limit the municipal taxes levied in respect of the property owned by a charitable corporation eligible for loans pursuant to Section 47 of the National Housing Act (Canada).
Municipal Housing Authorities	Housing Act,s.21	The Governor in Council may constitute a body corporate to be a housing authority for a municipality and prescribe its membership and the manner of appointment of members. The housing authority shall be known as "(name of municipality) Housing Authority". The housing authority may, upon the request of the municipality, - act as an agent for the municipality in respect of any matter relating to housing or neighbourhood improvement or both; - operate and manage a housing project as the agent for the parties to a housing or urban renewal agreement entered into pursuant to this Act; and - exercise such other powers, rights and privileges and carry out such other functions and duties as are given to it pursuant to this Act.
Regional Housing Authority	Housing Act,ss.22, 23	The Governor in Council may constitute a body corporate to be a regional housing authority, having the name prescribed by the order constituting it, and may prescribe its membership and the manner of their appointment.

HOUSING (cont'd)

		A regional housing authority has the powers and duties of a housing authority for a municipality on behalf of each of the municipalities that requested its establishment.
Regulations	Housing Act,s.24	The Governor in Council may make regulations respecting any matter necessary or advisable to carry out effectively the intent or purpose of the Housing Act.
Advisory Committee	Housing Act,s.15	The Governor in Council may establish any committees or councils necessary or desirable, to act in an advisory capacity in connection with any of the policies, programs, services or other matters under the administration of the Minister.
Nova Scotia Housing Development Corporation	N.S. Housing Development Corporation Act, s.7	This Act establishes the N.S. Housing Development Corporation with the following objects: - to establish housing projects and construct housing accommodation of all types for sale or rent; - to plan, design, build, manage and operate housing projects; - to construct, acquire, renovate and maintain housing of all types and sell, or dispose of the same on such terms and conditions as may be determined; - to promote and carry out the construction and provisions of more adequate and improved housing for low income families and individuals, students, elderly persons, social assistance recipients and generally for people who require assistance; - to improve the quality of housing; and - to improve the quality of the amenities related to housing.

HOUSING (cont'd)

Powers of municipal units	Municipal Act, ss.133,134 136(42), 140A Towns Act, ss.18, 19, 112, 122A	
Rental property conversion	Rental Property Conversion Act, ss.2, 3	This Act applies only to rental property in which there are four or more units in one building or on one lot, and in either case are owned by the same person. "Rental property" means property which is rented, available for rent or was rented when last occupied.
	Rental Property Conversion Act,s.4	No person shall convert rental property to property other than rental property unless and until: (a) notice of the proposed conversion is given to the Director of Landlord and Tenant Relations in the Department of Consumer Affairs, and (b) at least three months written notice of the proposed conversion is personally served or served by registered mail upon each tenant occupying the rental property at the time the notice is given.
content of notice	Rental Property Conversion Act, s.4(2)	The notice given shall give the date of the proposed conversion; offer the tenant an extension of his tenancy for at least 12 months beyond the date of the proposed conversion, where the tenancy would otherwise have terminated prior to that date; and offer the tenant an option exercisable within 30 days of the proposed conversion date, - where the conversion is to a condominium, to enter into an agreement to purchase;

		- in any other case, to enter into an agreement to purchase the right to occupy the unit which the tenant occupies upon the same terms offered or to be offered to the public.
Regulations prohibition of conversion	Rental Property Conversion Act, s.9	Notwithstanding anything in this Act, the Governor in Council may, where he considers it to be in the best interest of the Province because of the degree of availability of rental property in the Province, or because of other relevant circumstances, make regulations: 1) prescribing conditions prerequisite to, or; 2) prohibit, the conversion of rental property to property other than rental property. There are regulations in effect that prohibit the conversion of existing rental property to condominiums, except for special, non-profit cooperative projects.
Senior citizens' housing	SEE HEALTH AND SOCIAL SERVICES, Nursing Homes, SENIOR CITIZENS	

INDUSTRIAL COMMISSIONS	SEE ECONOMIC DEVELOPMENT, Industrial commissions	
INDUSTRIAL AND REGIONAL DEVELOPMENT PROGRAM (I.R.D.P.)	DEPARTMENT AND REGIONAL AND INDUSTRIAL EXPANSION (D.R.I.E.)	I.R.D.P. is a federal government program that will provide a wide range of financial support to industry, including grants, contributions, repayable contributions, participation loans, and loan guarantees. The program provides assistance for studies, specialized common services, and other infrastructure projects to stimulate the development of new products or processes which will increase industrial productivity; to establish new production facilities, particularly in regions of high economic disparity; to modernize or expand existing operations which will enhance national productivity; and to manufacturing and processing firms through their associations for marketing research and strategy studies. The program is structured into four levels or tiers of assistance. The different levels take into account local unemployment, the level of personal income, and the provincial fiscal capacity. Tier I applies to Canada's most developed areas, while Tier IV would be the most economically disadvantaged areas. Provided the project is undertaken in Canada, any person, group, corporation or organization can apply for assistance. Projects must be commercially viable, must be seen to be of significant national and regional economic benefit and must be projects that would not proceed without IRDP aid.

JAILS	Court and Penal Institutions Act,s.2	Court houses and jails shall be erected, altered, added to, kept in repair, and maintained by the municipalities in which the court houses and jails existing and in use at the time this Act comes into force, are respectively situated.
JUNK YARDS	SEE SALVAGE YARDS, UNSIGHTLY PREMISES	

LANDFILL	SEE SOLID WASTE	
LAND OWNERSHIP		
Crown land		
grants of adjoining lands	Lands and Forests Act, s.24	The Governor in Council may grant, sell or lease lots of Crown land adjoining lands not held by the Crown, and such grants may also be made of such lots when held under lease from the Crown to the lessee thereof.
grants for residential or commercial purposes	Lands and Forests Act, s.24	When the Governor in Council is of the opinion that an area of Crown land near a community or built-up area may be more advantageously used for residential or commercial purposes than for agricultural purposes or lumbering, he may cause the area to be subdivided into residential or commercial building lots or both types of lots, and may grant, sell or lease the lots for residential or commercial use.
lease - blueberry cultivation - grazing purposes - timber land	Lands and Forests Act, ss.23, 36 SEE ALSO FORESTRY, Leases, Licenses	The Governor in Council may, on the recommendation of the Minister of Lands and Forests, give a lease of Crown land for purposes of cultivating and harvesting blueberries, on such terms and conditions as are prescribed in the lease. The Governor in Council may order the issue of a permit and grant for purposes of settlement and cultivation of any land included in a lease of timber land made under this Act and all the provisions of this Act as to permits and grants to settlers apply to the issue of permits and grants under this section.

LAND OWNERSHIP (cont'd)

Non-resident owner	Assessment Act,s.29	When a person owns property in a town or municipality, and does not reside in that town or municipality, the property shall be shown as the property of a non-resident, either by entering "non-resident" or "NR" beside the name, or placing it on the assessment roll separately from the property of residents.
Non-resident ownership	Land Holdings Disclosure Act,ss.1, 2, 3, 4, 5, 8	Every non-resident person or corporation who acquires a land holding in Nova Scotia must immediately, upon completion or operation of the document of conveyance, deliver to the Registrar of Land Holdings a disclosure statement. Non-resident is defined to mean an individual who is not a permanent resident of Nova Scotia and includes a person who acquires or acquired a land holding for or on behalf of an individual who is not or was not a permanent resident of Nova Scotia. Land holding is defined to include land and any interest in land but does not include land or an interest in land held by way of security for a debt or other obligation. A disclosure statement must be in writing in the form prescribed by the Minister of Lands and Forests and must include the full and proper name and address of the non-resident or corporation, the description of the land holding that is contained in the conveyance document, the purpose for which the land holding was acquired, and any other information the Minister prescribes. If the description of the

LAND OWNERSHIP (cont'd)

		land holding is not sufficient to identify it, the Registrar may require additional information with respect to it.
		The Registrar of Land Holdings keeps and maintains a register in which is recorded all disclosure statements delivered to him under this Act and which is open to inspection by persons authorized by the Minister of Lands and Forests.
not applicable to Cities, Towns		This Act does not apply to a land holding within the boundaries of a city or town or to a corporation incorporated by or under any Act of the Legislature of Nova Scotia, that holds a certificate of registration issued under the Corporations Registration Act, or that actually carries on its business and has erected an office, plant, factory, or other structure on the land holding.

LAND SURVEYING

- purpose	Nova Scotia Land Surveyor's Act.	This Act outlines the functions, structures, and licensing requirements of the Nova Scotia Land Surveyors Association.
- land surveyor	Nova Scotia Land Surveyors Act, s.2	Nova Scotia Land Surveyor or N.S.L.S. means the holder of a certificate of qualification to practice professional land surveying in Nova Scotia and whose name is on the roll of the Association. Professional land surveying means the advising on, reporting on, the supervising of and the conducting of surveys to determine the horizontal and vertical position of any point and the direction and length of any line required to control, establish, locate, define or describe the extent or limitations of title.

LAND SURVEYING		
- entry on land	Nova Scotia Land Surveyors Act,ss.16,17	Every N.S.L.S. and his assistants when engaged in professional land surveying may enter upon and pass over any land, doing as little damage as possible, and except where provided in this Act, no action shall lie against such N.S.L.S. or his assistants for any act done under this section. A N.S.L.S. or his assistants are liable for any unnecessary damage, but any person or corporation who molests, hinders, or obstructs any Nova Scotia Land Surveyor or his assistants while engaged in the carrying out of his profession shall be guilty of an offence under this Act.
LAND USE		
L.R.I.S.	SEE COUNCIL OF MARITIME PREMIERS	
M.R.M.S.	SEE COUNCIL OF MARITIME PREMIERS	
Municipal	SEE DISTRICT PLANNING COMMISSIONS, MUNICIPAL PLANNING STRATEGY, LAND-USE BY-LAW	
Provincial	Committee on Land-Use Policy	The Deputy Ministers Committee on Land Use Policy was established on March 11, 1976 by the Executive Council. It is comprised of the Deputy Ministers of Agriculture and Marketing, Development, Environment, Fisheries, Transportation, Lands and Forests, Mines,

LAND USE (cont'd)
Provincial (cont'd)

Municipal Affairs, Health, Tourism, Housing, and the Executive Director of M.R.M.S., as an ex-officio member.

The committee is charged with all matters relating to land use and the development of land use policy, or specifically, it is to collect all necessary information respecting land use; review all matters having land use components; give recommendations and advice to the Governor in Council on land use matters; and initiate discussion and research on land use matters.

The Committee has established a permanent working group composed of senior representatives of each department aided by M.R.M.S. The working group has been charged with assisting and advising the Committee on questions of public investment which affect land use in areas of multiple resource potential; expanding the land use information base and updating the resource development potential map to be used to guide decisions affecting land use at both provincial and municipal levels; examining all places in which urban growth is occurring to identify alternative growth patterns and their implications with respect to the resource sectors.

Provincial Land-Use Policies

Planning Act, s.7

The Governor in Council (Cabinet) may adopt provincial land-use policies which are necessary to protect the interests of the Province in the use and development of the land resources of the Province.

LAND-USE (cont'd)
Provincial Land-Use Policies (cont'd)

Provincial land-use policies may consist of statements of policy with respect to any or all of the following:

- the use and protection of the land resources of the Province, including
  - agricultural lands,
  - forested lands,
  - lands on which mineral deposits are located,
  - sand, gravel and rock deposits,
  - recreational lands,
  - natural and wildlife areas,
  - coastal areas, including land covered with water,
  - lands located in flood plains,
  - water-supply watersheds and groundwater recharge areas,
  - lands subject to erosion, subsidence or similar hazards;
- the protection of energy resources and related activities, including the location of supporting infrastructure and facilities;
- industrial, commercial, institutional, residential, educational, cultural, recreational and health facilities, including priority areas for their location;
- the general location and development of major utility, communication and transportation systems;
- the economic and social impacts of land-use planning and development, including large-scale developments;
- strategy for the coordinating and staging of development and public expenditures;

LAND USE (cont'd) Provincial Land-Use Policies (cont'd)		- the subdivision and development of land; and - any other matter that affects the land resources of the Province.
Provincial Land-Use Regulations	Planning Act, s.8	The Governor-in-Council may prescribe provincial land-use regulations necessary to implement the provincial land-use policies adopted under the Planning Act. These regulations may apply to all or part of the Province, or there may be different regulations for different parts of the Province, and be administered by provincial development officers.
LAND-USE BY-LAW **By-law required**	SEE ALSO MUNICIPAL PLANNING STRATEGY, DEVELOPMENT AGREEMENTS AND COMPREHENSIVE DEVELOPMENT DISTRICTS, MINOR VARIANCE, NON-CONFORMING USES. Planning Act,s.51	A Land-Use By-law is used by a municipal unit to regulate land-use activities, by implementing policies found in the Municipal Planning Strategy. Where a planning strategy or an amendment thereto, contains statements of policy with respect to the control of land use and development, the council shall concurrently with the adoption or amendment of the Municipal Planning Strategy, adopt or amend a land-use by-law to implement the planning strategy or amendment. A council shall not adopt or amend a land-use by-law except to carry out the intent of a municipal planning strategy. A council, on its own motion or on the application of any person, may subsequently amend a land-use by-law in accordance with policies contained in the planning strategy.
establishment of zones	Planning Act,ss.52, 53(1)(2)	A land-use by-law shall provide for the establishment of zones and any other matters required to implement a municipal planning strategy. Such zones are established by the use of maps and text. The

LAND-USE BY-LAW (cont'd)

maps shall divide the planning area into zones and the by-law shall prescribe the permitted or prohibited uses of land or structures within each zone.

content of by-law

Planning Act,s.53(3)

The by-law may:

- regulate the minimum dimension for frontage and lot area for any class of use or size of structure;
- regulate or prohibit the use of land except for such purposes as may be set out in the by-law;
- regulate or prohibit the erection or use of structures except for such purposes as may be set out in the by-law;
- regulate the location of developments adjacent to pits and quarries;
- regulate the maximum floor area of each use to be placed upon a lot where more than one use is permitted upon a lot;
- regulate the location, height, area and bulk of any structure to be erected, constructed, reconstructed, moved or replaced;
- regulate the percentage of land that may be built upon and the size of yards, courts or other open spaces;
- regulate the location of structures upon a lot;
- regulate the maximum densities of population;
- regulate the architectural design or external appearance of structures.

Further content

Planning Act,s.54(1)(2)

The land-use by-law may further regulate the following matters, if the policies have been established in the municipal planning strategy:

LAND-USE BY-LAW (cont'd)

- subject to the Public Highways Act, regulate or restrict the location, size and number of accesses from a lot to the abutting streets, provided that a lot has access to at least one street;
- regulate or prohibit the public display of advertising and regulate the nature, kind, size and description of any advertisement displayed;
- regulate, require or prohibit the placement of fences, walks, landscaping and outdoor lighting;
- regulate or prohibit the outdoor storage of goods, machinery, vehicles, building materials, waste materials, aggregates and other items and require outdoor storage sites to be screened by landscaping or structures;
- regulate or prohibit the altering of land levels, the excavation or filling in of land, or the removal of soil or other materials from the land, unless these matters are subject to another enactment of the Province;
- regulate the period of time for which temporary developments may be permitted.

A land-use by-law may require a municipal development permit for any of the above matters, however unless so provided, a municipal development permit shall not be required for them.

Prohibition of Development

Planning Act,s.54(3)

Where the municipal planning strategy so provides, a land-use by-law may prohibit development or certain classes of development where, in the opinion of the council:

LAND-USE BY-LAW (cont'd)

		- the cost of providing municipal sewer and water services would be prohibitive; or - the provision of municipal water and sewer services would be premature.
Prohibition of structure near watercourse	Planning Act,s.54(4)	Where the Municipal Planning Strategy so provides, a land-use by-law may prohibit the erection of any structure within a specified distance of a watercourse; on land that is subject to flooding or subsidence; is low lying, marshy or unstable; or is otherwise hazardous for development by virtue of its soil conditions or topography.
Development agreement	Planning Act,ss.55(1)(2) SEE ALSO DEVELOPMENT AGREEMENTS	Policies adopted by a council in a municipal planning strategy to provide for development by agreement shall identify matters that the council shall consider prior to the approval of an agreement and the developments that are subject to agreement. Where a municipal planning strategy contains such policies, the land-use by-law shall identify the development to be considered by agreement.
Comprehensive development district agreement	Planning Act,ss.56(1)(2) SEE ALSO DEVELOPMENT AGREEMENTS	Policies adopted by council in a municipal planning strategy to provide for the establishment of a comprehensive development district shall identify matters that the council shall consider prior to the approval of an agreement for the development of the comprehensive development district and shall provide for the classification of uses that are to be considered for a comprehensive development district or districts. Where such policies are adopted, the land-use by-law may designate an area or areas as a comprehensive development district.

LAND-USE BY-LAW (cont'd)

Performance Standards	Planning Act,s.57	Where policies have been adopted in a municipal planning strategy governing development by agreement, the land-use by-law may prescribe conditions, including performance standards, which must be met by the development before a municipal development permit is issued pursuant to section 76 of the Planning Act, for developments within any zone or part of the planning area.
Parking and Loading Facilities	Planning Act,s.58(1)	A land-use by-law may require the owners or occupants of structures to be erected or used for any purpose specified in the by-law to provide and maintain any necessary loading or parking facilities on land that is not part of a highway to which the Public Highways Act applies or part of a street.
Cash in lieu of parking facilities	Planning Act, s.58(2)(3)(4)	Where provided for in the Municipal Planning Strategy, the council may accept cash in lieu of providing the required parking facilities, in order to acquire, construct or maintain municipally owned parking lots or facilities in an area identified in the M.P.S. The method for calculating the cash-in-lieu contribution is to be set out in the land-use by-law.

LAND-USE BY-LAW (cont'd)
Adopting land-use by-laws

procedures for adoption	Planning Act,s.61A	Before adopting a land-use by-law or amendment thereto, a council shall hold a public hearing at which oral and written submissions are received. The council shall advertise the proposed adoption or amendment once a week for 2 successive weeks in a newspaper circulating in the planning area. The first of the notices must be publshed: (a) in the case of a land-use by-law or amendment not requiring ministerial approval, at least 14 clear days before the hearing; or (b) where Ministerial approval is required, at least 21 clear days.
approval of Minister required	Planning Act,s.59(1)	A land-use by-law is subject to the aprovl of the Minister and does not come into force untils so approved.
amendment by council of land-use by-law	Planning Act,s.59(2)(3)	An amendment to a land-use by-law that is adopted to imlement a planning strategy or an amendment to a planning strategy is subject to Ministerial approval, and does nt come into force until sso approved. An amendment that is adopted in accordance with policies contained in the planning strategy does not require the approval of the Minister but does not come into force until the time for appeal has lapsed, or if an appeal has been made to the Board, all appeals have been abandoned or disposed of, and the amendment affirmed by the Board.

LAND-USE BY-LAW (cont'd)

notification of affected property owners	Planning Act, s.61(2)	A land-use by-law may require that affected property owners be notified of proposed amendments to the land-use by-law, and for that purpose the by-law shall identify the class or classes of amendments which would require such notice to be given and make provisions for the service of the notice.
notice of passing land-use by-law or amendment	Planning Act, ss.61E, 61F	Upon approval by the Minister, the council shall advertise in a newspaper circulating in the planning area indicating that the by-law or amendment has been approved, its effective date and where it may be inspected, and transmit a copy of the notice to the Director. If the amendment does not require Ministerial Approval, council will give notice of its adoption by advertisement in a newspaper circulating in the area stating that the amendment has been adopted and setting out the right to appeal.
amendment filed with Director	Planning Act,s.61F	An amendment not requiring ministerial approval shall be filed with the Director within 10 days of its adoption, together with a copy of the advertisement and a copy of any studies or information received in respect of the amendment.

LAND-USE BY-LAW (cont'd)

costs relative to amendment	Planning Act, s.61	The land-use by-law may provide that an applicant for by-law amendment or development agreement must deposit with the clerk an amount estimated by the clerk to be sufficient to pay the cost of the required advertising and, after the advertising has been completed, the applicant must pay to the clerk any additional amount required to defray the cost of advertising or, if there is a surplus, the clerk shall refund it to the applicant.
application to amend, deemed refusal	Planning Act,s.62	If a council has not, within 120 days after receipt of a completed application to amend the land-use by-law, commenced the procedure required for amendment to the land-use by-law by publishing the required advertisement, the application is deemed to have been refused.
appeal of amendment, revision or refusal to amend or revise	Planning Act,s.63 See Also Municipal Board	Any aggrieved person, the applicant, the Provincial Director of Planning or the council of an adjoining municipality, may appeal the amendment, revision or refusal by a council to amend or revise the land-use by-law to the Municipal Board within 21 days of the date of the publication of the required advertisement or, in the case of a refusal to amend the land-use by-law, within 21 days of council's decision. After determining whether the decision of the council reasonably carries out the intent of the municipal planning strategy, the Board may:

LAND-USE BY-LAW (cont'd)		- confirm the decision of council; or - reverse the decision of the council amending or revising the land-use by-law; or - instruct the council to amend the by-law in the manner prescribed by the Board. If the Board prescribes an amendment under this section, that amendment is not subject to an appeal.
appeal by applicant	Planning Act,s.63(7)	The Board may also allow an appeal by an applicant if, in the opinion of the Board, the applicant would suffer undue hardship; or, extraordinary and compelling reasons are present.
Provisions severable, effect of illegality	Planning Act,s.64	The provisions of a land-use by-law are severable and the illegality of any part does not affect the validity of the remainder of the by-law.
non-conforming structure, repair rebuilding	Planning Act,s.65 SEE ALSO NON-CONFORMING USES	Where a structure, used for a purpose permitted by a provincial land-use regulation or a land-use by-law but not otherwise conforming with that regulation or by-law, is destroyed or damaged by fire or otherwise, it may be rebuilt, repaired or re-occupied if the structure is substantially the same as it was before the destruction or damage and it is to be occupied for the same use.

LAND-USE BY-LAW (cont'd)		
injurious affection	Planning Act,s.107	Property is deemed not to be injuriously affected by anything done or continued pursuant to the Planning Act, except a project carried out pursuant to an official town plan, a municipal development plan, a municipal planning strategy, a land-use by-law, a regional development plan or regulations adopted thereunder, a provincial land-use policy or a land-use regulation.
By-law or Plan under former Town Planning Act	Planning Act,s.112	A zoning by-law or an official town plan passed under any former Town Planning Act, which by-law or plan was in force immediately before the coming into force of this Planning Act, shall continue to be in force for a period of thirty months after the coming into force of this Planning Act, and for such further period as the Minister may by order, determine with respect to the by-law or plan, unless sooner repealed, and they are and are deemed to be repealed upon the coming into force of a municipal planning strategy and land-use by-law.
By-law or Plan under former Planning Act	Planning Act,s.113	A municipal development plan and zoning by-law passed under the former Planning Act are and are deemed to be a Municipal Planning Strategy and Land-Use By-law, respectively, within the meaning of this Act, to the extent to which they are consistent with this Act.

MARITIME COUNCIL OF PREMIERS	SEE COUNCIL OF MARITIME PREMIERS	
MARSHES		
Boundaries	Marshland Reclamation Act, s.3	Subject to the approval of the Governor in Council, the Minister of Agriculture and Marketing may designate and fix boundaries of any marshland tract for the purpose of carrying out any works or projects under this Act. An area designated may include any lands adjacent to any marshland which the Minister deems necessary for the construction and maintenance of any works. The Minister is required to publish a notice of a designation containing a description of the area in the Royal Gazette. Marshland is defined to mean land forming part of the sea coast or the bank of a tidal river below the level of the highest tide and land that is poorly drained or subject to periodic flooding. Marshland tract or tract is defined to mean an area of marshland which may be effectively dealt with as a unit in the construction and maintenance of works. Works is defined to include dykes, aboiteaux, breakwaters, canals, ditches, drains, roads and other structures, excavations and facilities for the reclamation, development, improvement or protection of marshland.

MARSHES (cont'd)

Construction of works	Marshland Reclamation Act, ss.1, 2	Subject to the approval of the Governor in Council, the Minister of Agriculture and Marketing may construct, reconstruct, operate and maintain any works for the protection, drainage and improvement of marshlands and for such purpose may enter into agreements with the government of Canada, the government of any other province, any department, body or person.
Marsh bodies	Marshland Reclamation Act, ss.11, 16	The owners or occupants of marshland in any section of the Province may petition the Provincial Secretary to have the owners of marshland within the section incorporated as a marsh body. A marsh body may construct, reconstruct, recondition, repair, maintain, conduct and operate works and enter into agreements with the Minister of Agriculture and Marketing or other persons for the construction, reconstruction, reconditioning, repairing, maintenance, or operation of works.
area rate	Marshland Reclamation Act, s.45	The executive committee of the marsh body is required not later than the 15th day of April in each year, to authorize the levying and collection of a rate of so much on the dollar on the value of marshland within the area as shown on the assessment roll, as it deems sufficient to raise the sum required to provide for the amount estimated by the executive committee and approved by the body for its purposes for the current year.

MARSHES (cont'd) expropriation	Marshland Reclamation Act,s.53	When the executive committee deems it necessary or expedient for the purposes of the body, it may purchase or otherwise acquire or may without the consent of the owner take and expropriate any lands or interest therein or any rights or easements in, over or relating to the land. When a body desires to expropriate land or any interest in it or any right or easement, the executive committee must deposit in the office of the registrar of deeds for the registration district in which the land is situated, a plan and description of the land or interest therein or the right or easement therein or thereover that is to be expropriated. The land or the right or interest so described is then vested in the body.
Marshland Reclamation Commission	Marshland Reclamation Act,ss.5-10	The Marshland Reclamation Commission is appointed to advise the Minister on matters relating to the reclamation and protection of marshland and its development and maintenance for agricultural purposes and to study and examine proposals for construction, reconstruction, repair, maintenance, or operation of works and to make recommendations thereupon to the Minister and to perform such further or other duties assigned to it by this Act or the regulations.
Reclamation agreements	Maritime Marshland Rehabilitation Act (CAN.)	Under this Act, Canada may enter into agreements with Nova Scotia, New Brunswick and Prince Edward Island for the construction and reconstruction of dykes, aboiteaux and breakwaters to reclaim and develop the marshlands in N.B., N.S., and P.E.I. The Province must fulfill certain requirements set out in the Act before any work is undertaken.

MINERAL RESOURCES	SEE ALSO OIL AND GAS DEVELOPMENT, PITS AND QUARRIES	
Minerals		
reservation of minerals to Crown	Lands and Forests Act, ss.18, 19 Mineral Resources Act, ss.1, 3, 4	Every grant of Crown land reserves to the Crown all the minerals in the land so granted except limestone, gypsum and building material. Mineral is defined to mean any natural solid inorganic or fossilized organic substance and such other substance as is declared to be a mineral by the Governor in Council, but does not include: - ordinary stone, building or construction stone; - sand, gravel, peat, peat moss or ordinary soil; - gypsum or limestone; - oil or natural gas; - bituminous shale, oil shale, or intimately associated products or substances derived therefrom.
declaration of substance as a mineral	Mineral Resources Act,s.5	Where it appears to the Governor in Council that any non-living substance formed by the process of nature that occur on or under the surface of the earth - has a higher economic value or use than that to which it had formerly been put; or - which had been formerly classified as gypsum, limestone, or building material, has a higher economic value or use than gypsum, limestone, or building material; or - should, in the public interest, be treated as a mineral;

Minerals (cont'd)

the Governor in Council may declare the substance or any deposit of it to be a mineral.

A copy of the declaration is required to be published in the Royal Gazette.

regulations

Mineral Resources Act, ss.1, 16

The Minister of Mines, with the approval of the Governor in Council, may make regulations

- respecting the disposal of tailings, slimes, waste products, or any deleterious substances upon any lands or into any waters;
- respecting the restoration, reclamation and rehabilitation of a mine or mining land;
- governing the operation of any mine or metallurgical works that may include any pit, quarry, or place where sand, gravel, rocks and other materials are being removed;
- requiring from a holder of a mineral right or the operator of a mine, statements and plans respecting work and operations;
- defining the kind and quantities of work acceptable and the manner and form in which such work shall be submitted;
- establishing the boundaries of mineral lands;
- governing the survey of a mineral right;
- for the better carrying out of the provisions of the Mineral Resources Act.

The noun "mine" is defined to include any opening or excavation in, or working of, the ground for the purpose of mining, opening up or providing any mineral or mineral-bearing substance and any ore body, mineral deposit, stratum, soil, rock, bed of

Minerals (cont'd)		earth, clay, sand, gravel or place where mining is or may be carried on and other buildings and premises below or above ground belonging to or used in connection with the mine; and also any quarry, excavation or opening in the ground made for the purpose of searching for or removal of minerals or any substance which for the purpose of this Act is taken as such. The verb "mine" and "mining" is defined to include any mode or method of working whereby the soil, earth or any rock, stone or material may be disturbed or removed, washed, sifted, roasted, smelted, refined, crushed, dissolved, precipitated, separated or dealt with for the purpose of obtaining for sale or barter, any mineral or substance therefrom whether the same may have been previously disturbed or not.
license	Mineral Resources Act, s.23	A license entitles the holder to search and prospect for minerals within the claim or tract to which the license applies, except as proved in the Mineral Resources Act, and subject to the rights of the owner of the land covered by the license. Claim is defined to mean mineral claim. Prospect is defined to mean to search for valuable minerals and includes any mode of working whereby soil or rock is disturbed, removed, washed or otherwise tested for the purpose of finding, identifying or determining the extent of the mineral therein. Tract is defined to mean mining tract.

Minerals (cont'd)		
exploration license	Mineral Resources Act ss.25 - 41	An exploration license is defined to mean a license by which the holder thereof is granted the right to search and prospect for minerals in a designated area for a period of one year. It constitutes authority to search, prospect and mine all or specified minerals found in the area, claim or tract for purposes of investigation, examination or test only. It is subject to the rights of the owner of the land covered by the license, and must specify the area, claims or tracts as designated on the official maps of the Department of Mines.
development license	Mineral Resources Act, ss.2, 45-46	A development license is defined to mean a license by which the holder thereof is granted the right to hold a mineral deposit in a designated area for a period of one year. The Minister may issue such a license to the holder of an exploration license, if the Minister deems sufficient work has been performed to prove the existence, extent, content and value of a mineral deposit.
mining lease	Mineral Resources Act, ss.48-58, 82	A mining lease authorizes the holder to mine, quarry or extract all or specified minerals for commercial or industrial purposes and is for a term of twenty years. A person is prohibited from opening, working or operating a mine to extract minerals without first having obtained a lease for that purpose.

Minerals (cont'd)

resource management	Mineral Resources Act, ss.83, 84, 85	Before an application for a lease is accepted, the applicant must submit to the Minister for approval, reports and plans of the claim or tract proposed to be operated showing: - the known location and boundaries of the mineral deposit; - the place on which it is proposed to sink or drive any shaft or slope or make any opening or surface pit; - the location of all surface buildings and installations, tailings and waste disposal areas; - the number of openings proposed to be made and the size of each; - the method by which work is to be carried on, and the method of roof support; - the method of ventilation; - the proposed method of restoration, reclamation and rehabilitation of surface lands; - any other engineering plans the Minister determines. If any alterations or additions to a mine or in the system of working are proposed, a further plan or report must be submitted for approval and such alterations cannot be started until the approval has been obtained.
setback requirements	Mineral Resources Act, ss.94, 95, 96, 97	A lessee is also prohibited from mining on land areas within thirty feet of the boundary line of the land described in the lease without the Minister's approval.

Minerals (cont'd)		A lessee is also prohibited from mining in submarine areas within 75 feet of the boundary line of the land described in the lease. No opening may be made in any barrier set out above without written consent of the Minister.
Operation of coal mines	Coal Mines Regulation Act	This Act applies to coal mines and to the mining of shale and fire-clay in a mine from which coal is being or has been extracted, whether such minerals are held under lease from the Crown or are the property of the owner of the soil. It provides for the working of the mine, the fitness and competency of the miners, and the safety of the miners.
Quarry, mine operations	Metalliferous Mines and Quarries Regulation Act, s.3	This Act applies to every quarry and to every mine of whatever description other than a mine to which the Coal Mines Regulation Act applies. It provides for the working of quarries and mines and for the safety of the miners. Quarry is defined to mean any opening or excavation in the ground for the purpose of searching for or removing earth, clay, sand, gravel, rock, building stone, limestone, marble, gypsum, or marl, at any place or operation classified by the Deputy Minister of Mines as a quarry pursuant to this Act; and includes all the works, machinery, plant, building and premises below or above ground belonging to or used in connection with the quarry. However, quarries operated solely in conjunction with the construction or maintenance of public roads and highways or exempted by the Deputy Minister do not come within the scope of this Act.

Gas storage exploration area	Gas Storage Exploration Act,ss.1, 2	The Minister of Mines may designate as a gas storage exploration area one or more areas of the Province which may be suitable for exploration for a storage area. Such an area must be described by reference to mining tracts as provided in the Mineral Resources Act, must be comprised on one or more square miles and is not, unless the Governor in Council otherwise orders, to exceed a thousand square miles. No designation will be made respecting an area subject to a lease granted under the Mineral Resources Act or an area included in a city or town. Gas is defined to mean any liquid or gaseous material and includes any material designated by the Minister of Mines. Storage area means an area that may contain one or more storage reservoirs. Storage reservoir means an underground space or spaces whether occurring naturally or by external means that may be used for storage of gas.
exploration permit	Gas Storage Exploration Act,s.3	
storage area license	Gas Storage Exploration Act,ss.7, 8	Any person may notify, in writing, the Minister of Mines that he objects to the inclusion in a license, of all or any part of the storage area described in an application.

Gas Storage (cont'd)		Upon such written notification the Minister shall not include the area in question in the license until the objection is withdrawn or the person objecting is given an opportunity to appear before the Minister.
storage area lease	Gas Storage Exploration Act, s.9	The holder of a license may apply for and obtain a lease for an area, including areas contained within one or more claims or tracts, upon proof that: - he holds a license that is in force and effect; - the licensee has paid the prescribed rental; and - the licensee has deposited with the Minister a return of a survey of the lands to be taken under lease, duly executed by a Nova Scotia land surveyor, and that the said return has been accepted by the Minister.
Petroleum	SEE OIL AND GAS DEVELOPMENT	
MINK FARMS	SEE AGRICULTURE, Fur farms	
MINOR VARIANCE	SEE ALSO LAND-USE BY-LAW	
application for	Planning Act, s.79	An application may be made to a municipal development officer to grant a minor variance from the requirements of the land-use by-law regulating the percentage of land that may be built upon; the size of yards, courts and other open spaces; lot frontage; and lot area.

MINOR VARIANCE (cont'd)

No variance for lot frontage and area will be granted unless the lot was existing at the time of the coming into force of the by-law or a variance has been granted for the lot pursuant to section 98 of the Planning Act dealing with subdivisions.

general restrictions   Planning Act,s.79 (3)

No variance shall be granted where:

- the variance is not minor, in that it violates the intent of the land-use by-law;
- the difficulty experienced is general to properties in the area; or
- the difficulty experienced results from the intentional disregard for the requirements of the land-use by-law.

notice of variance   Planning Act,s.80 (1),(2)

Within 15 days of granting a minor variance, the municipal development officer must give notice of the variance to the assessed owners, or any subsequent owners of property within 100 feet of the minor variance, and to the Provincial Director of Planning. Such notice shall:

- describe the variance granted;
- identify the property with respect to which the variance has been granted; and
- state that a right of appeal to the council exists in that any person served with a notice may appeal to council within 15 days of the service of the notice.

The municipality may recover from the applicant the cost of giving such notice to assessed or any subsequent owners of property.

MINOR VARIANCE (cont'd)

appeal to council upon refusal	Planning Act,s.81	Where a municipal development officer refuses to grant a minor variance, the applicant may appeal the refusal to the council by notice in writing to the clerk who shall notify the municipal development officer. The municipal development officer shall give a notice of an appeal to the assessed owners, or any subsequent owners of property within 100 feet of the variance, and to the Provincial Director of Planning. Such notice shall: - describe the variance applied for; - identify the property with respect to which the variance has been applied for; and - state the date and time when the council will hear the appeal.
decision of council		Council may make any decision on appeal that the municipal development officer could have made under section 79 of the Planning Act.
municipal development permit	Planning Act,s.82(2)	The municipal development officer may issue a municipal development permit for any development for which a variance has been granted and which otherwise complies with the land-use by-law, but a permit may not be issued until the time for appeal has elapsed or the appeal has been disposed of, whichever is longer.
permit after appeal	Planning Act,s.82(3)	If council grants the variance requested on appeal, the municipal development officer shall issue a permit in accordance with council's decision.

MOBILE HOMES	SEE MUNICIPAL PLANNING STRATEGY, LAND-USE BY-LAWS Mobile Homes Act, 1978 (not proclaimed)	
MUNICIPAL BOARD	Municipal Board Act, ss.3,4	The Governor in Council may appoint three or more persons who shall constitute the Nova Scotia Municipal Board. The Board shall perform such duties as are conferred upon it by the Municipal Board Act, the Municipal Boundaries and Representation Act, the Assessment Act, the School Boards Membership Act, the Planning Act, the Shopping Center Development Act, and the Village Service Act.
	Municipal Board Act, ss.20,21	In any matter in which the Board has jurisdiction the Board and each member has all the powers, privileges and immunities of a commissioner appointed under the Public Inquiries Act.
powers	Municipal Board Act, s.21	The Board, a member or a person appointed by the Board has the right, upon demand, to inspect the books, accounts, papers and records of a municipality and a board, commission, committee or agency thereof and authority to examine any officer or employee thereof. Every municipality, and every board commission, committee or agency thereof, shall furnish to the Board such accounts, reports and information as the Board requests.

MUNICIPAL BOARD (cont'd) hearing	Municipal Board Act, s.25	Notice of any hearing shall be given by advertisement in one or more newspapers circulating in the municipality affected by the subject matter of the hearing for three consecutive weekly insertions preceeding the date of the hearing unless otherwise ordered by the Board. It is not necessary to advertise the hearing of an assessment appeal.
Appeal from Municipal Council's decision	Municipal Board Act, s.28	Where an appeal is from a decision of a council, the Board shall not interfere with that decision unless it cannot reasonably be said to carry out the intent of the municipal planning strategy, and where there is no plan in force, the Board shall not interfere with the council's decision unless the decision is inconsistent with or unnecessary for the protection of the best interests of the municipality.
Appeal from Municipal Board's decision	Municipal Board Act, ss.34, 35	An appeal shall lie to the Appeal Division of the Supreme Court from any order of the Municipal Board upon any question as to its jurisdiction or upon any question of law. The finding or determination of the Board upon any question of fact within its jurisdiction is binding and conclusive.

MUNICIPAL DEVELOPMENT PERMIT	SEE DEVELOPMENT PERMITS	
MUNICIPAL PLANNING STRATEGY	SEE LAND-USE BY-LAWS, DEVELOPMENT PERMITS, DEVELOPMENT AGREEMENTS AND COMPREHENSIVE DEVELOPMENT DISTRICTS, NON-CONFORMING USES	
purpose of a Municipal Planning Strategy (MPS)	Planning Act,s.37	The purpose of a municipal planning strategy is to provide statements of policy for the management of the municipality and to further this purpose to. - establish policies which address problems and opportunities concerning the development of land and the environmental, social and fiscal effects of that development; and - establish and specify programs and actions necessary for the implementation of the planning strategy.
preparation, Public Participation Program	Planning Act,s.34	Before undertaking the preparation of a municipal planning strategy, a council shall adopt by resolution a public participation program. The content of this program shall be at the discretion of council, but it shall identify opportunities and establish ways and means of seeking public opinion on the proposed municipal planning strategy (M.P.S.).

MUNICIPAL PLANNING STRATEGY (cont'd)

notification of Minister and adjacent municipalities	Planning Act,s.35	The clerk of the municipality undertaking the preparation of a municipal planning strategy (MPS) shall notify the Director and the clerk in each adjacent municipality of its intention to undertake a MPS or an amendment thereto.
adoption	Planning Act,s.36	A municipality may adopt a MPS or an intermunicipal planning strategy, for all or part of the municipality and there may be separate strategies for different parts of the municipality.
approval by Minister	Planning Act,s.36(2)	A MPS or Inter-MPS takes effect upon, and not before, approval by the Minister.
applicable provincial policies contents of MPS	Planning Act,s.38	A municipal planning strategy or an inter-municipal planning strategy shall include any policies necessary to carry out the intent of applicable provincial land-use policies. A municipal planning strategy or an inter-municipal planning strategy may include statements of policy with respect to any or all of the following: - the goals and objectives of the municipality for its future; - the improvement of the physical and social environment of the municipality; - the use, protection and development of land within the municipality, including the identification, protection, use and development of lands subject to flooding, steep slopes, lands susceptible to subsidence or erosion, swamps, marshes and other environmentally sensitive areas;

MUNICIPAL PLANNING STRATEGY (cont'd)

- subject to any other enactment, the protection of pits, quarries and aggregate deposits;
- the use or change in use or intensity of use of activities in or affecting land, including but not restricted to residential, commercial, industrial, institutional and recreational uses;
- requirements for environmental studies to be carried out prior to undertaking specified developments or development in specified areas;
- requirements for the staging of development;
- the provision of municipal services and facilities, including but not restricted to:
  - (i) public buildings,
  - (ii) parklands, playgrounds, public open spaces and other recreational facilities,
  - (iii) the collection, treatment and disposal of sewage and the disposal of refuse,
  - (iv) the provision of an adequate and efficient transportation network and related systems,
  - (v) the supply and distribution of water, including the management and protection of watershed areas, groundwater re-charge areas, water treatment, transmission and distribution.
- educational, cultural and health facilities;
- storm-water management and erosion control;
- the programming of municipal investment in respect of public and private development, and the coordination of public programs relating to the economic, social and physical development of the municipality;
- the continuance or discontinuance of non-conforming uses in accordance with Section 87 of the Planning Act;

MUNICIPAL PLANNING STRATEGY (cont'd)

- subdivision of land;
- the use and conservation of energy, including the height or siting of developments;
- measures for informing or securing the views of the public regarding contemplated planning policies and actions or regulations arising from such policies;
- policies governing

  (i) the use of development agreements in accordance with Section 55 of the Planning Act,

  (ii) the establishment of comprehensive development districts in accordance with Section 56 of the Planning Act,

  (iii) the use and application of conditions in accordance with Section 57 of the Planning Act,
- policies governing any of the matters in Section 53 or 54 of the Planning Act, and
- any other matter relating to the physical, social or economic environment of the municipality.

Intermunicipal Planning Strategy Planning Act,s.39

The councils of two or more municipalities may agree to adopt a mutually binding inter-municipal planning strategy. An inter-MPS shall be adopted by a council as its MPS or part thereof, and any necessary amendment to an existing MPS shall be prepared and adopted concurrently with the inter-MPS.

Intermunicipal Planning Strategy (cont'd)		
background studies for MPS, Inter-MPS, or secondary planning strategy	Planning Act,s.41	In preparation of an inter-MPS or amendment thereto the council shall undertake such studies or provide such information to the Minister as is necessary to support policy statements in the MPS or inter-MPS, and council will provide public access to these studies.
public hearing	Planning Act,s.42	Before adopting an inter-MPS or MPS, a council shall hold a public hearing at which oral and written submissions are received. Notice of the hearing will be published as least once a week for two consecutive weeks in a local newspaper, the first being published at least 21 clear days prior to the hearing. This section provides for the contents of the notice, description of the planning area and for the provision of copies of the proposed planning strategy for the public.
adoption process	Planning Act,s.43	A planning strategy shall be adopted by by-law by a majority vote of the whole council after consideration of submissions received at the public hearing. The Minister of Municipal Affairs shall approve the planning strategy, unless it: - contravenes or conflicts with the law; - conflicts with an applicable provincial land-use policy; - in the case of a MPS or secondary planning strategy, it is not in conformity with an applicable inter-MPS; - a land-use by-law is required under s.51 of the Planning Act; or - in the opinion of the Minister of Municipal Affairs, there is conflict with any other provincial interest.

Intermunicipal Planning Strategy (cont'd)

Along with 5 duly certified copies of the planning strategy, there shall be submitted to the Minister:

- any written submissions received at the public hearing, and
- a statutory declaration provided by the municipal clerk that a public hearing was held after proper notification, and that adjacent municipalities were notified, along with a certified copy of the resolution adopting a public participation program.

The Minister has 60 days to approve the planning strategy or to notify council of the reasons for disapproval. If the Minister makes no decision within 60 days, the MPS is deemed approved.

secondary planning strategy

Planning Act,ss.34(3),40

A council may adopt a separate public participation program for the preparation of a secondary planning strategy. A secondary planning strategy applies, as part of the M.P.S., to a specific area or areas of the municipality, and shall address issues particular to part of the planning area not adequately addressed in the M.P.S. alone.

Approval of Planning Strategy or Amendments

Planning Act,s.44

Upon approval of an MPS by the Minister, the council shall:

- place a notice in a newspaper circulating in the area stating the planning strategy has been approved, where it can be inspected, and its effective date;

MUNICIPAL PLANNING STRATEGY (cont'd)

- transmit a copy of the notice to the Provincial Director of Planning; and
- cause a copy of the planning strategy signed by the Minister to be filed in the Registry of Deeds for the appropriate registration district.

Amendment of the Municipal Planning Strategy or Land-Use By-law

I) initiation by Minister of Municipal Affairs

Planning Act,s.47

Where the Governor in Council has adopted a provincial land-use policy or regulation, and where an existing MPS or land-use by-law do not, in the Minister's opinion, carry out the intent of the policy or regulation, the Minister shall provide for the amendment of the MPS or land-use by-law in accordance with this section to the extent necessary to carry out the provincial policy or regulation.

The Minister shall:

- advise council of the conflict and
- request that Council submit proposals to resolve the conflict within a time period, not less than 90 days, set by the Minister. If council fails to respond or if council and the Minister cannot agree, the Minister may direct the council to amend its planning strategy or land-use by-law in the manner prescribed by the Minister. If council does not amend its planning strategy or land-use by-law, the Minister may amend them.

Amendment of Planning Strategy (cont'd) II) amendment or repeal by council	Planning Act, s.50	A MPS or Inter-MPS may be amended or replaced, and the same procedure shall be followed for amending or replacing it as for the adoption of a MPS. An amendment is subject to the approval of the Minister.
III) amendment of intermunicipal planning strategy by council	Planning Act,s.48	An Inter-MPS shall not be amended or repealed unless all the councils that approved the Inter-MPS have approved the amendment or repeal. Where the councils cannot agree, a council may request that the Minister revoke his approval of the Inter-MPS or part thereof. The Minister shall first receive a report from such council indicating their reasons for wishing to remain subject to or be removed from the application of the Inter-MPS or part thereof. Where the Minister is satisfied the councils cannot agree and that it is in their best interests to revoke his approval, he may revoke his approval of the Inter-MPS or part thereof. Revoking approval will not affect any MPS or amendments thereto adopted to carry out the Inter-MPS.
Review of Planning Strategy	Planning Act, s.49	A council or councils shall review the MPS or Inter-MPS when: - the council or councils deem it advisable; - requested by the Minister but in any case, the review shall be commenced within 5 years of its adoption or from the date of its last review. The council or councils shall adopt a public participation program for the purpose of review, and review any former studies and prepare any additional studies that may be required. If, after the review, the council or councils decide to make

MUNICIPAL PLANNING STRATEGY (cont'd)

no changes, they shall file a report and supporting documentation with the Minister. If changes are made it is processed like an amendment or replacement of an MPS or inter-MPS.

Land Acquisition for Development

Planning Act,s.46

A council may acquire and assemble lands necessary for the carrying out of any development consistent with the municipal planning strategy whether the development is to be undertaken by the council or not, and such lands may include:

- the remnants of parcels, portions of which are essential to carrying out the development;
- any lands which may be injuriously affected by the development;
- any lands which, if allowed to be built upon without restriction, might become the site of a structure which would prejudicially affect the full enjoyment of any structure forming part of the development or the architectural effect thereof;
- any lands which the council considers could be conveniently subdivided or rearranged and developed as part of the development.

A council may, for the purpose of this Act, purchase or otherwise acquire lands for carrying out the municipal planning strategy.

subdivision or sale of lands

A council may subdivide, rearrange and deal with such lands as if it were a private owner and may, with the consent of the Minister if required by the Towns Act, Municipal Act, or any Act applicable to a city, sell the same to such persons and subject to such building and other restrictions or easements as the council may require or deem advisable.

MUNICIPAL PLANNING STRATEGY (cont'd)

easements		In lieu of acquiring title to any such lands, the council may, by agreement with the owners or by expropriation, acquire the right to cause to be imposed upon the lands or to be created such building restrictions or easements as might have been imposed or created if the council had acquired the title.
Public Park and Recreational Areas	Planning Act,s.74(1)	Where a provincial land-use policy or municipal planning strategy (MPS) has identified areas of land for future use as public park or recreational areas, a provincial land-use regulation or a land-use by-law may designate or zone privately owned property for such use, subject to s.75 of the Planning Act.
compensation to private land-owners	Planning Act,s.74(2)	The Province or the municipality shall in accordance with s.75, compensate the owner of any property designated or zoned pursuant to s.74(1), but no compensation shall be paid if the designation or zoning took place before this section came into force.
provincial compensation	Planning Act,s.74(3)	Where a provincial land-use regulation has identified property as public park or public recreational area, and the Minister has provided for the amendment of the MPS and by-law in accordance with s.47, the Province shall provide any compensation payable under s.75 of the Planning Act.

Municipal Planning Strategy (cont'd)		
registration of Designation or Zone at Registry of Deeds	Planning Act,s.74(4)	The Province or municipality, as the case may be, shall cause an instrument indicating the designation or zone of public recreational or park area on a property, to be registered in the appropriate Registry of Deeds, and it shall be indexed as if it were a conveyance from the owner of the property.
designation period	Planning Act,s.74(5)	A designation or zoning of public park and recreational areas shall not exceed 3 years and only one designation or zoning may be made for each property.
alternate use	Planning Act,s.74(6)	Where the designation or zone is made by a MPS and land-use by-law, the land-use by-law shall provide for an alternative use of the property, consistent with the MPS, which shall come into effect if the municipality does not acquire the property within the period of the designation.
annual payment of compensation	Planning Act,s.75	The municipality or Province, as the case may be, shall at the date the designation or zone placed on a property comes into effect and annually thereafter, pay to the owner of the property an amount of money equal to 10% of the assessed value of the property in each year for the term of the designation or zone. Interest on any outstanding payment shall be at the rate charged by the municipality in which the land is located for overdue rates and taxes. Money paid as interest or the annual 10% payment shall not be credited towards the purchase price of the property.
MUSEUMS	SEE HISTORIC SITES HERITAGE PROPERTY, SPECIAL PLACES	

NATIONAL BUILDING CODE	SEE BUILDINGS, Building by-laws, Building Code	
NEIGHBOURHOOD IMPROVEMENT	SEE HOUSING, Nova Scotia Department of Housing, neighbourhood improvement	
NON-CONFORMING USES	SEE ALSO LAND-USE BY-LAWS, MUNICIPAL PLANNING STRATEGY	
continuance	Planning Act,s.83(1)	Subject to the Planning Act, a non-conforming structure or a non-conforming use of land or a structure, existing at the date of the first publication of the notice of intention to adopt a land-use by-law or amend or revise a land-use by-law, may continue to exist.
existing use	Planning Act,s.83(2)	A non-conforming structure or a non-conforming use of land or a structure shall be deemed to be existing if: - the non-conforming structure, or structure containing the non-conforming use, was lawfully under construction; or - the permit for its construction or use was in force and effect, except that this clause shall not apply unless the construction or use is commenced within twelve months after the date of the issuance of the permit and is completed in conformity with the permit within a reasonable time.

NON-CONFORMING USES (cont'd)

cancellation of permit for construction or use	Planning Act,s.84(1)	A council may cancel any permit issued by the municipality in the circumstances of s.83(2)(b) where the construction or use has not been commenced, and shall pay to the person on whose behalf the permit was obtained such reasonable expenses for the preparation of plans and promotion of the development as may be agreed upon by the parties.
arbitration	Planning Act,s.84(2)(3)	In the event the parties are unable to agree upon the amount to be paid, the person on whose behalf the permit was obtained may, by written notice, require that the municipality submit the claim to arbitration.
		The arbitration shall be by one arbitrator appointed by the parties, or appointed by the Minister if they are unable to agree.
restriction on non-conforming use	Planning Act,s.85(1)	No increase in volume of or any addition to a structure shall, except as required by an enactment, be made while a non-conforming use therein is continued, but such use may be extended throughout the structure.
changes in use	Planning Act,s.85(2)	A non-conforming use shall not be changed to any other use unless the use is permitted for that property by the land-use by-law.
change in occupant, owner, or tenant	Planning Act,s.85(3)	A change of tenant, occupant or owner of any land or structure shall not of itself be deemed to affect the use of the land or structure for the purposes of this Section.

NON-CONFORMING USES (cont'd)

Partial Destruction or Damage of non-conforming structure repair	Planning Act,s.86(1)	Subject to this section, this Act does not preclude the repair or maintenance of a structure. If a non-conforming structure or a structure containing a non-conforming use is destroyed or damaged by fire or otherwise: - to an extent of less than seventy-five per cent of the market value of the structure, it may be rebuilt, repaired or re-occupied if the structure is substantially the same as it was before the destruction or damage and it is used for the same non-conforming use; or - to an extent of seventy-five per cent or more of the market value of the structure, it shall not be rebuilt, repaired or re-occupied except in conformity with the requirements of the land-use by-law applicable to the property.
Distruction of Structure (total)	Planning Act,s.65	Where a structure, used for a purpose permitted by a provincial land-use regulation or a land-use by-law but not otherwise conforming with that regulation or by-law, is destroyed or damaged by fire or otherwise, it may be rebuilt, repaired or re-occupied if the structure is substantially the same as it was before the destruction or damage and it is to be occupied for the same use.
discontinuance	Planning Act,s.86(2)	A non-conforming use of land or a structure shall not be recommenced if it has been discontinued for a continuous period of six months, and in such event the land or structure shall not therefore be used except in conformity with the requirements of the land-use by-law applicable to the property.

NON-CONFORMING USES (cont'd) variation in Municipal Planning Strategy policies	Planning Act,s.87	A municipal planning strategy may provide for the variation of the provisions of s.85 or 86 but no variation shall increase the restrictions in s.85 and 86 of the Planning Act regarding non-conforming use. The policies adopted pursuant to s.87(1) may provide for: - the extension, enlargement or alteration of non-conforming structures or structures containing non-conforming uses; - the extension of a non-conforming use of land; - the rebuilding of a non-conforming structure, or structures containing a non-conforming use, after destruction; - the recommencement of a non-conforming use of land or a structure after it has been discontinued for a continuous period in excess of six months. The policies adopted pursuant to this Section may be carried out through the land-use by-law, or by development agreement, and where the council has provided for the latter, ss.66 to 73 apply mutatis mutandis to any agreement entered into pursuant to this Section.
NON-RESIDENT LAND OWNERSHIP	SEE LAND OWNERSHIP Non-resident ownership, Land Holdings Disclosure Act	
N.S.P.C.	SEE ELECTRICAL UTILITIES, Nova Scotia Power Corporation	

NURSING HOME	SEE HEALTH AND SOCIAL SERVICES, Nursing homes
NUISANCE	SEE AGRICULTURE, nuisance; SEE ALSO ANIMALS; BOARDS OF HEALTH; BUILDINGS; ENVIRONMENTAL PROTECTION; HEALTH REGULATIONS; UNSIGHTLY PREMISES

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OCCUPIERS' LIABILITY	SEE RECREATIONAL ACCESS, land	
OIL AND GAS DEVELOPMENT		
Energy and Mineral Resources Conservation	Energy and Mineral Resources Conservation Act,s.3	The purpose of this Act is to: - regulate the conservation of and prevent the waste of energy and mineral resources; - regulate and ensure safe and efficient practices in the exploration, development, production, transmission, and transportation of energy and mineral resources; - to provide for the economic, orderly and efficient development in the public interest of energy and mineral resources; - to appraise the reserves and production capacities of energy and mineral resources; - to appraise the need for energy and mineral resources and appraise markets outside the Province for the Province's energy and mineral resources; - to receive and disseminate information regarding energy and mineral resources.
application of Act	Energy and Mineral Resources Conservation Act,ss.4, 4A	This Act applies to all minerals on or under Nova Scotia lands, including Sable Island, and the seabed and subsoil off Nova Scotia including the Continental Shelf, however, the Governor in Council may, by order, for the purposes and under any conditions set out in the order, withdraw from the application of this Act or the regulations, or any part thereof; - any area of Nova Scotia lands; or - any energy or mineral resources in specified Nova Scotia lands, as specified in the order.

OIL AND GAS DEVELOPMENT (cont'd)

Energy Board	Energy and Mineral Resources Conservation Act,ss.2, 5, 12	This Act establishes an Energy and Mineral Resources Conservation Board, which shall be known as the Energy Board, and shall regulate the conservation of energy and mineral resources by carrying out the purposes of this act, or any enactment, in particular, relating to the regulation of pipelines and gas utilities pursuant to the Pipeline Act and Gas Utilities Act.
Board of Public Utilities	Energy and Mineral Resources Conservation Act,s.9A	Nothwithstanding anything in this Act, the Governor in Council may designate the Board of Commissioners of Public Utilities as constituted under the Public Utilities Act, to be the Energy and Mineral Resources Conservation Board (Energy Board). Except where inconsistent with this Act, the Gas Utilities Act, the Petroleum Resources Act or the Pipeline Act, or any regulation made pursuant to those Acts, the provisions of the Public Utilities Act relating to the powers, procedures and practices of the P.U.B. apply to and with respect to that Board when acting as the Energy Board.
Gas Utilities	Gas Utilities Act,s.1	Gas pipeline means a gas pipeline as defined by the regulations. Gas utility means any pipeline, plant, system or equipment for the transmission, delivery or furnishing of gas to or for ultimate consumers, including any system, well, works, plant, equipment or service for the production of gas or capable of producing gas which may be declared by the Energy Board to be a gas utility, but not including the transportation, delivery, furnishing or supplying by retail or wholesale, either directly or indirectly, of liquefied petroleum gas including propane and

OIL AND GAS DEVELOPMENT (cont'd)

		butanes, by means of tank car, tank wagon, cylinder or vessel, unless it is a system of tanks, tank trucks or vessels for the storage and delivery to the public of propane or butane operated in conjunction with or ancillary to a gas utility, and includes an owner or operator of a gas utility.
Gas utility franchise	Gas Utilities Act, s.2,	No person may construct, operate or acquire a gas utility except pursuant to a franchise. No person except a company incorporated pursuant to the laws of the Province may apply for a franchise or the amendment or transfer of a franchise. A franchise means a franchise to construct, operate or acquire a gas utility granted by the Governor in Council pursuant to the provisions of this Act.
Direction of Gas Utilities	Gas Utilities Act,ss.2,6	Every gas utility in the Province shall be subject to the direction of the Energy Board, as constituted by the Energy and Mineral Resources Conservation Act, in all aspects of its construction or operation except with respect to the determination of rates, prices, tolls or charges.
Approval of gas rates	Gas Utilities Act,s.9	A gas utility shall not impose, observe or follow rates, prices, tolls or charges except as approved by the Public Utilities Board.
Offshore Oil and Gas	Offshore Oil and Gas Act, ss.2, 5	This Act applies to all Nova Scotia lands, but the Governor in Council may, by order, withdraw from the application of this Act, such Nova Scotia lands as are specified in the order. Nova Scotia lands mean Sable Island and those submarine areas that belong

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OIL AND GAS DEVELOPMENT (cont'd)

		to Her Majesty in right of the Province, or in respect of which the Province has the right to dispose of or exploit the natural resources and that are within the limits described in Schedule I of this Act.
general provisions	Offshore Oil and Gas Act, ss.10, 17, 19, 35, 40	This Act provides for the entering into of offshore exploration agreements; conferring of production licenses; the requirement of partial Canadian ownership; operating agreements and the payment of royalties on offshore oil and gas.
Canada-Nova Scotia Oil and Gas Agreement	Canada - Nova Scotia Oil and Gas Agreement (N.S.) Act,ss.2,4	This Act authorizes and provides for future amendment of the Canada - Nova Scotia Agreement on Offshore Oil and Gas Resource Management and Revenue Sharing dated March 2, 1982.
Canada - N.S. Offshore Oil and Gas Board	Canada - Nova Scotia Oil and Gas Agreement (N.S.) Act,ss.6,7	The Minister is permitted to appoint two persons to the Canada - Nova Scotia Offshore Oil and Gas Board. The Board is authorized to perform such functions as are conferred, imposed or delegated to it by or pursuant to the Agreement or this Act; direct the operations of that branch of the Government of Canada that is responsible for oil and gas resource activities in the offshore area; keep under review the objectives set out in Schedule II of the Agreement and make such recommendations to the Minister and federal Minister as are appropriate; advise the Minister and federal Minister on legislation relating to oil and gas resource activities in the offshore area, as defined in this Act and in the federal Agreement Act. Notwithstanding the Nova Scotia Oil Act (the Offshore Oil and Gas Act) and

OIL AND GAS DEVELOPMENT (cont'd)		the Nova Scotia Oil Production Act (the Oil and Gas Production and Conservation (Nova Scotia) Act), the Board is authorized, in lieu of the Minister, to authorize systems for producing oil and gas in the offshore area.
Oil and Gas Production and Conservation	Oil and Gas Production and Conservation (Nova Scotia) Act,s.3	This Act applies in respect of the exploration and drilling for and the production, conservation, processing and transportation of oil and gas in: - Sable Island; and - those submarine areas that belong to Her Majesty in the right of the Province, or that the Province has the right to dispose of or exploit the natural resources thereof, and that are within the limits described in Schedule I, the Offshore Area, attached to this Act. The Governor in Council may by order, withdraw from the application of this Act any area to which this Act applies.
requirement of authorization	Oil and Gas Production and Conservation (N.S.) Act,s.4	No person shall carry on any work or activity related to the exploration for or the production of oil or gas in any area to which this Act applies unless: - he is the registered holder of an operating license under this Act - written authorization for each proposed work or activity is given by the Minister or a person designated by the Minister prior to the commencement of operations; and - where it is required, he is authorized or entitled to carry on business in the place where he proposes to carry on the work or activity.

OIL AND GAS DEVELOPMENT (cont'd)

Oil and Gas Committee	Oil and Gas Production and Conservation (Nova Scotia) Act,ss.6, 12	The Governor in Council may establish a Committee to be known as the Oil and Gas Committee, which shall consist of five members, and the Minister may at any time refer to the Committee for a report or recommendation any question, matter or thing arising under this Act or relating to the conservation, production, storage, processing, or transportation of oil and gas.
regulations	Oil and Gas Production and Conservation (Nova Scotia) Act,s.14	The Governor in Council may make regulations respecting the exploration and drilling for, and the production and conservation, processing and transportation of oil and gas.
Chief Conservation Officer	Oil and Gas Production and Conservation (Nova Scotia) Act,ss.2, 15, 16, 17, 18, 19	The Act permits the Minister of Mines and Energy to designate a person to be the Chief Conservation Officer who is responsible for pollution prevention, safety and conservation under this Act.
Oil and Gas Transmission	Pipeline Act,s.2	This Act applies to all pipelines on or under Nova Scotia lands, including Sable Island, the seabed and subsoil off the shore of the landmass of Nova Scotia; the seabed and subsoil off the Continental shelf and slope; and the seabed and subsoil seaward from the Continental shelf and slope to the limit of exploitability. Gas pipeline means a gas pipeline as defined in the regulations. Pipeline means pipes and installations for the transmission of gas, oil, fluids from a well, or water or effluent used or produced in connection with a well or the production or manufacture of oil or gas.

OIL AND GAS DEVELOPMENT (cont'd)

exemptions	Pipeline Act,s.3A	This section authorizes the Governor in Council to withdraw Nova Scotia lands or to exempt persons or pipelines from the Act, and authorizes the Governor in Council to make alternative arrangements for the administration of such lands, persons or pipelines.
duties of Energy Board	Pipeline Act,ss.3, 5	The Energy Board as constituted by the Energy and Mineral Resources Conservation Act, shall exercise control over the manner in which all pipelines including gas pipelines are constructed, tested, maintained and operated and, subject to the regulations, may issue such orders and directives as it deems appropriate; and shall have such other powers and duties as are conferred upon it by this Act, the regulations and the Governor in Council.
issuance of permits and licenses	Pipeline Act,ss.6, 7, 8, 10, 11, 12	No person shall construct a pipeline without a permit, and no person shall operate a pipeline without a license. Any person may apply in the prescribed manner to the Energy Board for a permit or a license.
construction of pipeline on or across a Highway or Road	Pipeline Act,s.26	A holder of a permit or license may, with the approval of the Minister of Transportation, of the local authority, and in accordance with the regulations, construct a pipeline on, across, over or under any highway or road.
construction of pipeline near mines or quarries	Pipeline Act,s.28	No person, without the approval of the Energy Board, shall construct a pipeline or part thereof so as to obstruct any opening or interfere with the present workings of a mine or quarry.

OIL AND GAS DEVELOPMENT (cont'd)

construction of pipeline under buildings	Pipeline Act,s.29	No pipeline shall be constructed under a building used as a public building, residence, office, warehouse, or factory without the approval of the Energy Board. This section does not apply where the pipeline will deliver a substance to the building for use therein.
title to property in pipeline	Pipeline Act,s.30	The title to all property in pipelines and works constructed by a person pursuant to this Act shall remain vested in such person, his heirs and assigns, notwithstanding that the whole or any part thereof has or will become affixed to realty, the title to which is not vested in such person.
acquisition of required land for pipelines expropriation	Pipeline Act,ss.31, 32	When a holder of a license or permit requires an interest in land for a pipeline, the interest may be acquired in such lands by - agreement with the owner of the lands, or - if no agreement is reached, by application of the Minister for an order that the interest in lands required be vested in the holder of the license or permit. If the Minister is satisfied that the lands should be vested in the permit or license holder he shall so order, and the vesting order shall be filed in the appropriate Registry of Deeds. The filing of the order shall be deemed to be a deposit of expropriation documents pursuant to the Expropriation Act. Upon the filing of the vesting order by the Minister, the holder named in the order is and is deemed to be an expropriating authority within the meaning of the Expropriation Act.

OIL AND GAS DEVELOPMENT (cont'd)

Petroleum Resources	Petroleum Resources Act, ss.7, 7A	This Act applies to all Nova Scotia lands; the land mass of Nova Scotia and Sable Island, the seabed and subsoil off the shore of Nova Scotia, the seabed and subsoil of the Continental shelf and slope, and the seabed and subsoil seaward from the Continental shelf and slope to the limit of exploitability. The Governor in Council may withdraw Nova Scotia lands, and any petroleum or coal gas in specified Nova Scotia lands, from the application of the Act and regulations.
Vesting of Petroleum Rights	Petroleum Resources Act, ss.2, 9	All petroleum located in or under Nova Scotia lands is vested in the Province and every Crown grant shall be construed and held to reserve all the petroleum in the lands so granted. Petroleum rights may be granted pursuant to this Act, and upon their expiry are revested in the Province. Right or petroleum right, means an exploration license, an exploration agreement, a production lease, or coal gas agreement granted pursuant to this Act or the regulations and includes any right arising from an exploration license, exploration agreement, production lease or coal gas agreement.
supervision of petroleum resources	Petroleum Resources Act, ss.3, 4	The Minister of Mines and Energy has the general management and supervision of this Act and the regulations. The Minister may delegate any duty, power or authority imposed by this Act or the regulations to whatever person he considers advisable, and the Governor in Council may appoint a person to be Registrar under this Act.

OIL AND GAS DEVELOPMENT (cont'd)

authorization for exploration and production	Petroleum Resources Act, s.10	No person shall explore for, develop or produce petroleum unless authorized by this Act or the regulations.
consent to enter lands	Petroleum Resources Act, s.11	No holder of a petroleum right may enter on Nova Scotia lands, including lands owned by the Province, to explore for or develop petroleum, without the consent of the owner or lawful occupier of the surface of such lands. Where the consent cannot be obtained, the holder may apply to the Minister and he may grant an order for the entry upon such terms, including the payment of compensation, as the Minister considers appropriate, following the procedure outlined in section 20 of this Act.
	Petroleum Resources Act, ss.23, 24	No holder of a production lease or a coal gas agreement may enter upon or occupy any Nova Scotia lands to produce petroleum without the written consent of the owner or lawful occupier of such lands. Where consent cannot be obtained, the holder may request the Minister to order that the land necessary for the production of petroleum according to the terms of the lease or agreement be vested in the holder. A vesting order issued by the Minister shall be filed at the appropriate registry of deeds and the filing thereof shall be deemed to be a deposit of expropriation documents pursuant to the Expropriation Act.

OLD AGE HOMES	SEE HEALTH AND SOCIAL SERVICES, Nursing homes
OPEN SPACE	SEE MUNICIPAL PLANNING STRATEGY; RECREATION, Parks; SUBDIVISION, subdivision by-law; LAND-USE BY-LAWS

PARKS	SEE RECREATION, Parks	
PARTITION OF LAND	SEE ALSO SUBDIVISION	
Land subject to Partition	Partition Act,s.3	All persons holding land as joint tenants, co-parceners, or tenants in common, may be compelled to have such land partitioned, or to have the same sold and the proceeds of the sale distributed among the persons entitled, in the manner provided in this Act.
right of action	Partition Act,s.4	Any one or more of the persons so holding land may bring an action in the Supreme Court - Trial Division, for a partition of the same, or for a sale thereof, and a distribution of the proceeds among the persons entitled.
jurisdiction	Partition Act,s.2	Nothing in this Act shall restrict the jurisdiction and powers of the Supreme Court, possessing the same jurisdiction and powers of the Court of Chancery in England, but shall be construed as enlarging the same as to the partition of land.
application of Planning Act	Planning Act,s.93(1)	The Planning Act, and subdivision regulations and by-laws passed pursuant to it, apply to a partition of land pursuant to the Partition Act.
PEST CONTROL PRODUCTS		
Proper Handling and Storage	Pest Control Products (N.S.) Act,s.6	It is the responsibility of all persons to ensure that the sale, use, handling, storage, transportation and disposal of pest control products does not result in contamination.

PEST CONTROL PRODUCTS (cont'd)

Licenses	Pest Control Products (N.S.) Act,ss.12,13	No person shall sell or operate a business involving the use or application of pest control products without a license.
PETROLEUM	SEE OIL AND GAS DEVELOPMENT	
PIGGERIES	SEE AGRICULTURE, HEALTH REGULATIONS Agriculture Operations Protection Act, s.e	No action lies in nuisance in respect of a farm or agricultural operation if it uses generally accepted farming practices and is not in breach of an enactment.
PIPELINES	SEE OIL AND GAS DEVELOPMENT	
PITS AND QUARRIES	SEE ALSO COASTAL ZONE, Beaches; MINERAL RESOURCES, Quarry, mine operations	
Gravel pits and excavation	Municipal Act,s.191(60A) Towns Act,s.221(50A)	The council of a municipality or of a town, may make by-laws licensing and regulating gravel pits and excavations and without restricting the generality of the foregoing, may: - require the person responsible for the making of the gravel pit or excavation or the owner of the property (if the gravel pit or excavation was made by him or with his consent) to restore the same to a condition no more unsightly than before the gravel pit or excavation was made;

PITS AND QUARRIES (cont'd)		- provide for the giving of notice to restore to such person or owner, by such person and in such manner as the by-law stipulates, not however to be less than thirty days; - provide that failure to comply with a notice is an offence; - enter upon the premises in event of failure to comply with the notice and to perform the work required by the notice and recover the cost from the person whom the notice was lawfully served, by action commenced by the clerk in the name of the municipal unit.
Quarry lease	Lands and Forests Act, s.35	The Governor in Council may, upon the recommendation of the Minister of Lands and Forests, give a lease of any Crown land for the purpose of quarrying or mining limestone, gypsum, and building materials, for such term and upon such conditions and restrictions as are deemed expedient.
PLANNING ACT	GENERAL PROVISIONS	
Purpose of Act	Planning Act,s.2	The purpose of the Planning Act is to: - enable the Governor in Council to identify and protect provincial interests in the use, development and subdivision of land; - to enable municipalities to assume the primary authority for planning through the adoption of municipal planning strategies, land-use by-laws, and subdivision by-laws consistent with provincial policies; - to establish the consultative process which will ensure the right of the public to have access to information; and - to provide for the fair administration of the Planning Act.

PLANNING – GENERAL
Contravention

Planning Act,s.108(1)

In the event of any contravention of or failure to comply with the Planning Act or any by-law or regulations made under the Planning Act and in addition to or in lieu of any other proceedings authorized by law:

- the clerk in the name of the municipal unit when authorized by the council or by a standing committee of the council; or
- the Provincial Director of Planning in the name of the Crown when authorized by the Minister of Municipal Affairs;

may bring an action or other legal proceedings in respect thereof in the Trial Division of the Supreme Court or in a County Court for any or all of the remedies provided by this section or otherwise provided by law.

Determination by Courts

Planning Act,s.108(2)

A judge of the Trial Division of the Supreme Court or a judge of the County Court may hear and determine the action at any time, in court or in chambers, and in addition to any other remedy or relief may make:

- restraining orders;
- orders directing the removal or destruction of any structure or part thereof which is in contravention of or fails to comply with the Planning Act, or a by-law or regulations made under the Planning Act, and authorizing the council or a standing committee thereof, or an official of the municipality, or the Director of Planning, if such order is not complied with, to enter upon the land and

PLANNING - GENERAL (cont'd)

		premises with necessary workers and equipment and to remove and destroy the structure or part thereof at the expense of the owner; and - such further order as to the recovery of the expense of any such removal and destruction, and for the enforcement of this Act, or by-law or regulation, and as to costs, as the court or judge deems proper, and any such order may be interlocutory, interim or final.
Right of entry	Planning Act,s.109(1)	Council or the Minister, by any duly authorized officer or servant, has the right to enter at all reasonable times into or upon any property within the municipal unit for the purposes of any inspection necessary in connection with the administration of a land-use by-law, subdivision by-law, provincial land-use regulation or subdivision regulation, as the case may be.
	Planning Act,s.109(2)	If admission is refused, a magistrate may, after two clear days notice has been given to the person having control of the property, order that such person admit the officers or servants into or upon the property during such reasonable hours as he thinks fit.
	Planning Act,s.109(3)	If no one is found to be in control of the property, the Judge can still make an admittance order.
General Regulations	Planning Act,s.116	The Governor in Council may make regulations not inconsistent with the Planning Act for the effective administration of the Planning Act.

PLANNING - GENERAL (cont'd)

Offences and penalties	Planning Act,s.110	A violation of any provision of the Planning Act or any regulation, by-law, strategy, etc. in force pursuant to the Act is guilty of an offence and is liable to a fine of up to $1,000.00 or, in default, two months imprisonment, and in case of a continuing offence, to a further fine of $250.00 each day the offence continues.
Conflicts	Planning Act,s.118	Where any provision of the Planning Act conflicts with any other Act, the provision of the Planning Act prevails.
PLANNING ADVISORY COMMITTEE	Planning Act,ss.28-33	A council, or two or more councils of municipal units may, by resolution, establish and appoint a planning advisory committee or a joint planning advisory committee to advise council in the preparation, amendment or revision of planning strategies, land-use and subdivision by-laws and planning matters generally. A P.A.C., or a joint P.A.C., may with council's approval, establish one or more area advisory committees to advise the P.A.C. or joint P.A.C. on planning matters affecting a specific area. A P.A.C. consists of at least two council members and others, with council members holding office for one year. The other members hold office for two years from the date of appointment. A P.A.C. member may be reappointed.

PLANNING ADVISORY COMMITTEE (cont'd)

A joint P.A.C. will consist of at least two councillors from each municipality and include members of the public as councils determine. An Area Advisory Committee shall consist of members appointed by the P.A.C. or joint P.A.C. and approved by Council.

A P.A.C. may hold public hearings when and in the manner as it or the council decides.

Council may fix the remuneration of members, establish the procedure of the committee and provide for the appointment of a chairman and other officers in the Resolution establishing the Committee.

POLLUTION

SEE ENVIRONMENTAL PROTECTION, HEALTH REGULATIONS, WATER

PROTECTION OF PROPERTY

SEE ALSO RECREATIONAL ACCESS, OCCUPIERS' LIABILITY

Protection of Property Act,s.2

Under this Act, occupier includes:
- a person who is in possession of premises, or
- a person who has responsibility for and control over the condition of premises or the activities there carried on, or over persons allowed to enter the premises, notwithstanding there may be more than one occupier of the same premises. Premises means lands and structures, and includes trailers, portable structures designed or used for residence, business or shelter.

PROTECTION OF PROPERTY (cont'd)

entry or activity on premises is an offence	Protection of Property Act,s.3	Every person who, without legal justification, or without the permission of the occupier or agent of the occupier, - enters on premises that is a lawn, garden, orchard, vineyard, golf course or acreage managed for agricultural crops; - enters on premises that is apparently a tree plantation or Christmas tree management area; - enters on premises that are enclosed in a manner that indicates the occupiers intention to keep people out or to keep animals on the premises; - dumps or deposits material of any kind or causes, suffers or permits material to be dumped or deposited on the premises; - enters on premises where entry is prohibited by notice, or - engages in any activity which is prohibited on the premises by notice, is guilty of an offence and on summary conviction is liable to a fine of not more than $500.00. Notice in this section means oral or written notice.
PROVINCIAL DEVELOPMENT PERMITS	SEE DEVELOPMENT PERMITS	
PROVINCIAL PLANNING APPEAL BOARD	Repealed by s.47 (2) of the Municipal Board Act, S.N.S. 1981,c.9 SEE MUNICIPAL BOARD	
PROVINCIAL PARKS	SEE RECREATIONAL ACCESS TO LAND, Provincial Parks	

PUBLIC ARCHIVES	SEE ALSO HISTORICAL SITES	
acquisition of property	Public Archives Act,s.9	The Board of Trustees of Public Archives of Nova Scotia may acquire by purchase, gift, devise, bequest or otherwise any land, money, documents, records, or any structure, erection, or monuments of any object, material, article or thing of historic, artistic, scientific or traditional interest under this Act.
board as custodian of historic structure	Public Archives Act,s.12	Where the Board is of the opinion that the preservation of any structure, erection, or monument in the Province is of historic interest, the Board may become the custodian thereof at the request of the owner. The Board may undertake or contribute towards the cost of preserving, maintaining, and managing any such structure, erection or monument, whether the Board has purchased the same or become the custodian thereof or not.
PUBLIC TRANSIT	SEE TRANSPORTATION	
PUBLIC UTILITIES BOARD	SEE ALSO ELECTRICAL UTILITIES, WATER SUPPLY	
appointment, powers	Public Utilities Act, ss.1,2,17-19,41	Provision is made for the appointment by the Governor in Council of three or more persons to constitute a Board of Commissioners of Public Utilities.

PUBLIC UTILITIES BOARD (cont'd)

The Board is charged with the general supervision of all public utilities in the Province and is empowered to make all necessary examinations and inquiries and keep itself informed as to compliance by the public utilities with the law. It has the right to obtain from any public utility all information necessary to enable it to fulfill its duties.

The Board may investigate where any reasonable service is not supplied, or where it believes that any rate or charge is unreasonable or unjustly discriminatory, or that an investigation of any matter relating to any public utility for any reason should be made, and it may on its own motion summarily investigate the same with or without notice.

It may by order or regulation, exclude from the Act any corporation which does not, at the time of the exclusion, own, operate, manage or control any tramway for the conveyance of passengers or any plant or equipment for the production, transmission, delivery or furnishing of heat, light, water or power, either directly or indirectly to or for the public; and the Board may, from time to time, revoke, alter or modify any such order or regulation; provided that any corporation so excluded may be afterwards declared by the Board to be within the scope of this Act.

PUBLIC UTILITIES BOARD (cont'd)

The Board may make from time to time such orders as it deems just in respect to the tolls, rates, and charges to be paid to public utilities for services rendered or facilities provided, and to amend or rescind such orders or to make new orders in substitution therefor.

Public utility is defined to include any person that may now or hereafter own, operate, manage or control:

- any tramway;
- any trolley bus or motor vehicle (other than one being operated as a taxi) for the conveyance of passengers from any point within a city or incorporated town to any point within such city or town, including any person who also operates any trolley bus or motor vehicle for the conveyance of passengers to or between points outside such city or town but not including any such person whose revenue from the operation of any trolley bus of motor vehicle for the conveyance of passengers between points within any city or town does not, in the opinion of the Board, exceed 10 percent of the gross revenue of such person from the operation of trolley buses or motor vehicles;
- any plant or equipment for the conveyance of telephone messages;
- any plant or equipment for the production, transmission, delivery or furnishing of electric power or energy, water or steam heat either directly or indirectly to or for the public;

PUBLIC UTILITIES BOARD (cont'd)

		- any plant or equipment for the production, transmission, delivery or furnishing of gas through mains either directly or indirectly to or for the public.
		Service is defined to include: - the conveyance for compensation by a public utility of passengers; - the conveyance or transmission of telephone messages for compensation by a public utility; - the production, transmission, delivery or furnishing of electrical energy to or for the public by a public utility for compensation for purposes of heat, light and power; - the production, transmission, delivery or furnishing of gas to or for the public by a public utility for compensation for purposes of heat, light or power; - the production, transmission, delivery or furnishing of water to or for the public by a public utility for compensation; - the production, transmission, delivery or furnishing of steam heat to or for the public utility for compensation.
new construction	Public Utilities Act, s.34	A public utility is prohibited from proceeding with any new construction, improvements or betterments in, or extensions or additions to its property used or useful in furnishing, rendering or supplying any service, which requires the expenditure of more than five thousand dollars without first securing the approval of the Board.
N.S.P.C.	Public Utilities Act, s.112	This Act applies to the Nova Scotia Power Corporation which is deemed a public utility within the meaning of the Act.

QUARRIES

SEE COASTAL ZONE, Beaches; MINERAL RESOURCES, Quarry, mine operations; PITS AND QUARRIES

RAILWAYS	SEE TRANSPORTATION	
RECREATIONAL ACCESS TO LAND		
water	Angling Act,s.2	Any resident of the Province shall have the right to go on foot along the banks of any river, stream or lake, upon and across any uncultivated lands and Crown lands for the purpose of lawfully fishing with rod and line. A resident may also go on, upon or across any river, stream or lake in a boat or canoe or otherwise for the purpose of lawfully fishing with rod and line.
		The rights of an owner or occupier to compensation for actual damages caused by any person going upon or across such lands are not limited or restricted by the conferring of the above rights under the Angling Act.
actual damage	Angling Act,s.2(3)	The rights conferred by Section 2 shall not limit or restrict the right of any owner or occupier to compensation for actual damages caused by anyone going upon or across such lands for the purpose of fishing, and shall not be construed to give the right to build fires upon such land.
licenses - by-laws	Angling Act,s.4	Any occupant, other than a timberland owner, may obtain a license, and while such license is in force, s.2 shall not apply to the land and fishing rights described in such license. Municipal councils may by by-law provide for the issue of licenses under this Act, and such by-laws become effective upon approval of the Governor in Council.

RECREATIONAL ACCESS TO LAND (cont'd)		
exemption if licensed	Angling Act,s.3	The rights conferred by s.2 shall not apply to the land of an occupant licensed under this Act.
occupant	Angling Act,s.1	Occupant is defined to mean a person having the right (exclusive of the public), to fish in any river, stream or lake either as the owner of the lands abutting thereon or otherwise.
municipal water supply	Angling Act,s.8	This Act does not apply to any lake, river or stream forming part of the water supply of any city or town, or to the lands surrounding or adjacent to them.
motorized vehicles	Occupiers' Liability Act, s.1	An occupier of land owes no duty of care towards a person who is driving or riding on a motorized vehicle or being towed by a motorized vehicle upon the land and who is a trespasser or licensee except the duty to not create a danger with the deliberate intent of doing harm or damage to the trespasser or licensee.
Provincial Parks		
acquisition of land	Provincial Parks Act,s.3	The Minister of Lands and Forests, with the approval of the Governor in Council, may purchase, expropriate or otherwise acquire land for the purposes of a park, or exchange for such land public lands situated outside the boundaries of the park.

RECREATIONAL ACCESS TO LAND (cont'd)

reservation of public land	Provincial Parks Act, ss.4,5	The Minister, with the approval of the Governor in Council, may reserve and set aside public land for use as a public park and may increase or decrease the size of a park or declare lands previously constituted as a park to be no longer a park for the purposes of this Act.
game preserves and bird sanctuaries	Provincial Parks Act, ss.7,7A	The Governor in Council may constitute a park or any part of a park to be a game preserve or bird sanctuary where hunting is prohibited unless authorized by the Minister of Lands and Forests.
		Hunting may be prohibited or restricted in a park during a period of time or at all times.
use of parks	Provincial Parks Act,s.8	Subject to this Act and the regulations, public lands within the boundaries of a park shall not be leased or otherwise disposed of and no person shall settle on, use or occupy any part of lands within the boundaries of a park.
powers of Minister	Provincial Parks Act, ss.10,11	The Minister may construct roads, bridges, buildings, piers, fences, sanitation works and improvements in a park and carry out works necessary for the purposes of the park. He may control, manage and maintain the parks and utilize moneys appropriated for the purpose by the Legislature and the revenue received under this Act.

RECREATIONAL ACCESS TO LAND (cont'd)		
regulations	Provincial Parks Act, s.12	With the approval of the Governor in Council, the Minister may make regulations - respecting the removal of sand, gravel, earth, stone or other materials from a park; - respecting the use of land in a park for agricultural products; - providing for the issuing of permits for the pasturing or grazing of livestock in a park; - providing for the issuing of permits for fishing within a park; - respecting the cutting and removal of timber in a park; - respecting the establishment and use of reservoirs and sources of water in the park; - respecting the use of watercraft in a park; - for any other purpose relating to the use of a park.
national parks	Statutes of Nova Scotia, 1935, Chapter 11; 1936, Chapter 54; 1937, Chapter 61; 1965, Chapter 10	
Camping establishments	Camping Establishments Regulation Act,ss.1,2,3 SEE ALSO HEALTH REGULATIONS	A person is prohibited from carrying on, within the Province, the business of conducting, maintaining, operating or managing a camping establishment unless he is the holder of license to do so. Camping establishment is defined to mean any premises operated for the accommodation of the travelling or vacationing public comprising land used and maintained as grounds for camping or for parking recreational vehicles.

RECREATIONAL ACCESS TO LAND (cont'd)

Camping Establishments Regulations Act

The Governor in Council may make regulations;

- prescribing minimum standards and materials to be used and methods of construction to be observed in the construction, alteration, renovation and reconstruction of camping establishments;
- prescribing a minimum space required for each tent, recreational vehicle or trailer accommodated and the minimum standards of equipment and facilities in camping establishments;
- respecting eating facilities, grounds and premises, approaches and parking facilities;
- prohibiting the construction, alteration, renovation or reconstruction of camping establishments without the approval by the Minister of Tourism of the plans and specifications for such construction etc.;
- requiring the provision and maintenance of a safe and adequate water supply;
- respecting drainage and sewerage systems and garbage disposals.

Camping establishments are required by regulation to be subdivided into campsites having a minimum of 1200 sq. ft and a frontage of not less than 20 feet on a street or roadway. Each site must have a parking space for a vehicle except where suitable off-site parking is available within 500 feet and the campsite exceeds 1200 sq. ft. in area. The regulations state that a maximum of 20 campsites per acre of developed ground is desirable. In the case of existing non-conforming campsites no campsite shall be less than 800 sq. ft.

RECREATIONAL ACCESS TO LAND (cont'd)

Campsites

financial assistance	Parks Development Act, ss.1, 2	Subject to the approval of the Governor in Council, the Minister of Lands and Forests may grant financial assistance to any municipal unit to assist in the development of an approved campsite. The financial assistance may not exceed 1/2 of the total cost of development and in no case will exceed $15,000.00. No financial assistance shall be granted unless the Minister is of the opinion that there is a need for the approved campsite, having regard to its location in relation to other parks and the camping, picnicking, and other facilities provided for the accommodation and enjoyment of the public. Approved campsite means a campsite approved for financial assistance under this Act.
size	Parks Development Act, s.4	The Minister may not approve a campsite unless the area of the campsite exceeds 25 acres and the land constituting it is owned by the municipality or municipalities making the application for approval. A plan of the campsite and specifications indicating the development work which will be carried out by the municipality or municipalities shall be filed with the Minister.
by-laws	Parks Development Act, s.7 SEE ALSO HEALTH REGULATIONS	A municipality may make by-laws regulating and controlling the use of land in an approved campsite.

RECREATIONAL ACCESS TO LAND (cont'd)		
scenic areas	Parks Development Act, s.8	The Minister may, subject to the approval of the Governor in Council, grant financial assistance to a municipality or a local organization that wishes to initiate and carry out a project of local improvement by constructing and developing trails, scenic waterfalls, streams or other local scenic or picnic areas. The organization and the municipal unit in which the scenic area is located must each agree to provide 25% of the cost of the project. Financial assistance to the municipality or the local organization from the Minister may not exceed 50% of the total cost of construction and development and in no case will it exceed $2500.
RECREATION LAND		
taxation	Assessment Act, s.25C	Any land in excess of 3 acres, that is owned by a non-profit community, charitable, fraternal, educational, recreational, religious, cultural or sporting organization, that is used solely for the purpose of the non-profit organization shall be exempt from taxation, except that the owner shall pay to the municipality or town a recreational property tax, equal to five dollars per acre. This may be increased by the municipal unit at a rate of 5% per year, and the Governor in Council may set the tax per acre every third year from 1981.

RECREATIONAL LAND (cont'd)

change in use	Assessment Act, s.25C	In the event that the recreational land ceases to be used for the purposes of a non-profit organization, a change in use tax equal to 50% of the value of the land shall become due and payable to the municipality in which the land is situate.
REGIONAL DEVELOPMENT PLANS		
	Halifax-Dartmouth Metropolitan Regional Development Plan Planning Act,s.111	The Halifax-Dartmouth Metropolitan Regional Development Plan and Regulations, as amended, made pursuant to the former Planning Act, continue in force. The Regional Development Plan may be amended, revised or repealed by the Governor in Council upon the recommendation of the Minister of Municipal Affairs. The Governor in Council may, from time to time, vary or alter the area to which the Regional Development Plan applies. The Regional Development Plan may contain: - a statement of policies for the orderly economic and physical development of the region including policy with respect to (i) major industrial and commercial development, (ii) the development and management of resources, (iii) identification of areas of urban and rural land uses,

REGIONAL DEVELOPMENT PLAN (cont'd)

		- a program for co-ordinating and staging development and public expenditures in the region; - provisions, including regulations, controlling the use of lands, buildings and structures, necessary for implementing regional policies and co-ordinating the development of municipalities in the region; - such other matters as, in the opinion of the Minister, affect or may affect the orderly economic and physical development of the region.
conflict	Planning Act,s.111(13)	Where a Municipal Planning Strategy or land-use by-law is in conflict with the Regional Development Plan, the latter shall prevail.
REGIONAL DEVELOPMENT PERMITS	Planning Act,s.111 SEE DEVELOPMENT PERMITS	Regional development permits are only required for certain developments in those parts of Halifax County not covered by a Municipal Planning Strategy and Land-Use By-law.
REGISTRAR OF REGULATIONS	Regulations Act,ss.2,3,10,14	The Governor in Council is required to appoint a Registrar of Regulations. Any regulation made under an Act of the Province of Nova Scotia must be filed with the Registrar who must, within 30 days of the day upon which the regulation is filed, publish it in the Royal Gazette. Unless a later day is provided, a regulation comes into force on the day it is filed with the Registrar. In no case does a regulation come into force

REGISTRAR OF REGULATIONS (cont'd)		before the day of filing unless specifically authorized by the Act. Any person may, during the regular office hours of the Registrar, make inquiries as to the existence of any regulation under any Act, inspect any regulation filed with the Registrar, and obtain a copy or a certified copy of a regulation filed with the Registrar.
RENTAL PROPERTY	SEE HOUSING, rental property conversion	
ROADS	SEE TRANSPORTATION	

SALVAGE YARDS

SEE ALSO MUNICIPAL
PLANNING STRATEGIES,
UNSIGHTLY PREMISES,
LAND-USE BY-LAWS

Salvage Yards Licensing
Act,ss.1,2,3

A person is prohibited from owning or occupying a salvage yard unless he has a license or a conditional license to do so.

Salvage yard is defined to mean premises, where used bodies or parts of automobiles or used bodies or parts of other vehicles or machinery or used goods, materials or equipment of any kind are placed, stored, or kept.

Premises is defined to mean land within 1500 feet of the centre line of the travelled portion of the highway but does not include a completely enclosed building.

The Board of Commissioners of Public Utilities may issue a license if satisfied that:

- the salvage yard will not be unsightly or offensive to any part of the travelling public;
- the salvage yard will not contravene any provision of the Health Act, the Municipal Act, the Planning Act, the Water Act, the Public Highways Act, or by-laws, rules, regulations or orders made under any of these Acts; and
- no part of the salvage yard is within 500 feet of a public park, public playground, public bathing beach, school, church or cemetery.

SALVAGE YARDS (cont'd)		A license may be issued for a salvage yard that is within 500 feet of a public park, playground, etc., where a license had been issued for the year 1970 and the first two requirements set out above are met.
SAND	SEE COASTAL ZONE, Beaches; PITS AND QUARRIES	
SCHOOL BOARDS	SEE EDUCATION, District School Boards, School Boards Membership Act	
SCHOOLS	SEE EDUCATION	
SCRAP YARDS	SEE SALVAGE YARDS, UNSIGHTLY PREMISES	
SENIOR CITIZENS	SEE ALSO HOUSING	
Financial Aid		
purpose	Senior Citizens' Financial Aid Act, s.3	The purpose of financial aid under the Act is to provide assistance to senior citizens so that they may remain in their own homes for as long a time as possible.
definition of senior citizen	Senior Citizens' Financial Aid Act, s.5(2)	Senior citizen is one who - has reached age 65 and receives the Supplement under the Old Age Security Act (Canada); - has reached age 65 and receives the Spouse's allowance; or - has reached age 65, is single and has an annual income of less than $9,800.00 or such larger income that may from time to time be prescribed.

SENIOR CITIZENS (cont'd)

definition of financial aid	Senior Citizens' Financial Aid Act, s.5(3)	Financial aid means - a lump sum paid once a year to seniors as special social assistance if they receive the Old Age Security Supplement; - a lump sum paid once a year to seniors as a property tax rebate to those receiving the Supplement or Spouse's Allowance, or - aid in the form of a payment to be known as the rental subsidy which shall be paid monthly to senior citizens.
Senior Citizens Secretariat	Senior Citizens' Secretariat Act, s.4	The object and purpose of the Secretariat is to facilitate the planning and development of services and programs for senior citizens by: - co-ordinating plans, policies and programs presented by various government departments; - developing plans, policies and programs for and with senior citizens in partnership with the Departments of Social Services, Health and Municipal Affairs, the Nova Scotia Department of Housing, any other government departments, the Nova Scotia Senior Citizens Commission and voluntary senior citizens groups.
Nova Scotia Senior Citizens Commission	Senior Citizens' Social Services Act, s.3	A Nova Scotia Senior Citizens' Commission, composed of not fewer than ten members, appointed by the Province, shall have the power to: - conduct, direct and promote factfinding studies and research related to aging; - seek out and encourage persons interested in providing voluntary services to citizen groups concerned with aging;

SENIOR CITIZENS (cont'd)		- promote new activities and social services for senior citizens through voluntary agencies and through all levels of Government; - to review existing legislation and programs and make recommendations for improvements; - to perform any duties assigned to the Commission by the Governor in Council or the Minister of Social Services.
SEWAGE	SEE ALSO BOARDS OF HEALTH, ENVIRONMENTAL PROTECTION, HEALTH REGULATIONS, MUNICIPAL PLANNING STRATEGY, LAND-USE BY-LAWS, SUBDIVISION, WATER	
On-site sewage disposal systems		
permit	Regulations Respecting On-site Sewage Disposal Systems, Regs. 1,2,3,4	A person is required to have a written permit from the Board of Health before installing an on-site sewage disposal system or causing it to be installed. The owner of any building which includes a building drainage system that is not connected to a municipally owned and operated sewerage system, or approved central collection and treatment system, must provide for the building of an on-site sewage disposal system approved by the Board in accordance with these regulations.

On-site Sewage Disposal (cont'd)

On-site sewage disposal system is defined to include septic tank with disposal field, a privy, and all other private sewage disposal systems which are not directly connected to a municipal or approved central sewerage system.

Building drainage system is defined to mean an assembly of pipes, fittings, fixtures, traps and appurtenances that is, or would be, used to convey sewage to a building sewer or on-site sewage disposal system.

Sewage is defined to mean any human waste emitted from a house or premises where persons work, live or frequent and includes wastes from ablutions, culinary activities, and laundering.

percolation tests regs.2(3)(4)

The Board of Health or a qualified person, or either, may require percolation tests to assess the suitability of a lot for the installation of an on-site sewage disposal system.

building lot specifications and requirements regs.8, 9, 10, 11

Subject to Regulations 4, 10, 11, and 12, no permit for the installation of an on-site sewage disposal system will be issued or renewed unless certain lot specifications and requirements are satisfied. These specifications and requirements fall into 3 categories:

Category 1

Where the depth of permeable natural soil over bedrock, maximum groundwater elevation or any impervious layer on the soil is greater than two feet, no permit for installation of a system will be issued or renewed by the board unless:

On-site Sewage Disposal (cont'd)

(a) the lot has a minimum area of twenty thousand (20,000) square feet with minimum lot frontage of one hundred (100) feet, except that where an approved central water system is provided, the lot size may be reduced to a minimum of ten thousand (10,000) square feet with a minimum lot frontage of seventy-five (75) feet;

(b) the lot, any portion of which is within seventy-five (75) feet of any shoreline of a lake, river, stream or ocean, has a minimum area of forty thousand (40,000) square feet, a minimum lot frontage of one hundred and fifty (150) feet and a minimum depth of one hundred and seventy-five (175) feet;

(c) where the depth of permeable soil over bedrock, maximum groundwater table or any impervious layer on the lot is less than four (4) feet, a built-up disposal bed as detailed in Schedules "B" and "C" to these regulations is constructed;

(d) the following minimum clearances are obtained from the disposal system:

(i) ten (10) feet from any lot boundary;
(ii) fifty (50) feet from a drilled well where the casing extends to a depth of not less than twenty-five (25) feet below the surface, or one hundred (100) feet from a dug well, or one hundred (100) feet from any other water supply;

(iii) one hundred (100) feet from any watercourse, or ocean except for drains or ditches that flow intermittently, in which case a minimum distance of fifty (50) feet is required;

(e) no part of the disposal bed is within twenty (20) feet of any building foundation or footing drain system.

Category 2

Where the depth of permeable natural soil over bedrock, maximum groundwater elevation of any impervious layer on the lot is greater than one foot, but less than two feet, no permit will be issued unless:

(a) the lot has a minimum area of eighty thousand (80,000) square feet and a minimum lot frontage of two hundred (200) feet;

(b) a built-up disposal bed as detailed in Schedules "B" and "C" to these regulations is constructed;

(c) the following minimum clearances are obtained from the disposal system:

(i) fifty (50) feet from any lot boundary and one hundred (100) feet from any boundary downslope from the disposal bed;

(ii) seventy-five (75) feet from a drilled well where the casing extends to a depth of not less than twenty-five (25) feet below the surface, or one hundred and fifty (150) feet from any other water supply;

On-site Sewage Disposal (cont'd)

- (iii) one hundred and fifty (150) feet from any watercourse;

(d) no part of the disposal bed is within (20) feet of any building foundation or footing drain system.

Category 3
Where the depth of permeable natural soil over bedrock, maximum groundwater elevation of an impervious layer on a lot is one foot or less, no permit will be issued or renewed, unless:

(a) the lot has a minimum area of two hundred thousand (200,000) square feet with a minimum lot frontage of four hundred (400) feet and a minimum depth of four hundred (400) feet;
(b) a built-up disposal bed as detailed in Schedules "B" and "C" to these regulations is constructed;

(c) the following minimum clearances are obtained from the disposal system:

- (i) fifty (50) feet from any boundary and two hundred (200) feet from any lot boundary downslope from the disposal bed;
- (ii) one hundred (100) feet from a drilled well where the casing extends to a depth of not less than twenty-five (25) feet below the surface, or two hundred (200) feet from a dug well, or two hundred (200) feet from any other water supply;
- (iii) two hundred (200) feet from any water course;

On-site Sewage Disposal (cont'd)

(iv) one hundred (100) feet from any right-of-way;

(d) no part of the disposal bed is within twenty (20) feet of any building foundation or footing drain system.

larger lot required reg. 10

Larger lots size and lot frontage may be required by the Board where physical conditions specified under regulation 8 above are such that a satisfactory on-site sewage disposal system cannot be installed on a lot or if the density of the proposed on-site sewage disposal system(s) would be such as to cause or tend to cause pollution of groundwater or other water supply source, as determined by the Department of Health.

temporary on-site sewage disposal system reg. 12

design specifications reg. 13

non water carried toilet systems regs. 14, 15

Where a privy or other non water carried toilet system is used, any other liquid domestic or household waste emitted from a household plumbing system connected to a source of water supply shall be disposed of by means of a septic tank with a disposal field. The requirements for such tank and disposal field must be as prescribed in these regulations with respect to on-site sewage disposal systems.

On-site Sewage Disposal (cont'd)

septic tank manufacturers	regs. 16-19
septic tank cleaners	regs. 20-25
application of regulations	reg. 26

Regulation 8, which sets out the requirements for permit approval, does not apply in the following circumstances:

- in those municipal units where municipal subdivision regulations have not been passed under the Planning Act, or by virtue of any other statute, to those lots of land subdivided on or before June 19, 1975.
- in those municipal units where municipal subdivision regulations have been passed under the Planning Act, or by virtue of any other statute, to those lots of land where final planning approval has been applied for on or before June 19, 1975;

However, the Board of Health may issue a permit for installation of a system on a lot of land referred to in the above paragraphs where the lot

- meets all of the other requirements of these regulations, and
- has a minimum lot area of 15,000 square feet, and
- has a minimum lot frontage of 100 feet, excepting lots of land in those municipalities where minimum lot frontage requirements was 75 feet, which lots in such municipalities shall have a minimum lot frontage of 75 feet, and

On-site Sewage Disposal (cont'd)

- meets the requirements respecting disposal beds and minimum clearances as set out in regulation 8(2) and is recommended by the Department of Health as being suitable for the installation of an on-site sewage disposal system.

Where before June 19, 1975, an on-site sewage disposal system was installed or constructed on a lot having an area less than 15,000 sq. ft., the Board of Health may also issue a permit for installation of an on-site sewage disposal system provided that:

- the lot on which the on-site sewage disposal system is proposed to be installed meets all the requirements of these regulations except the minimum lot size and lot frontage requirements specified in these regulations;
- no portion of the lot on which the on-site sewage disposal system is proposed to be installed is within 75 feet of any shoreline of a lake, river, stream, or ocean;
- the lot on which the on-site sewage disposal system is proposed to be installed has been built upon it a permanent dwelling house, constructed prior to June 19, 1975, which dwelling house is owned by the applicant and occupied as a full-time residence; and
- a written recommendation for the installation of the proposed on-site sewage disposal system is obtained from the Department of Health prior to the issuance of the permit by the board.

On-site Sewage Disposal (cont'd)		
replacement or alteration of existing systems	reg. 27	Notwithstanding building lot specifications and the requirements Regulations 8 - 11, the Board of Health may issue a permit to install an on-site sewage disposal system where the Department recommends replacement or alteration of an existing malfunctioning on-site sewage disposal system.
conflict	reg. 29	These regulations have effect throughout the Province, except that where there is a conflict between any provision of these regulations and any other municipal or provincial regulations, the provision with the higher or more stringent requirements prevails.
	reg. 30	Where there is a conflict between these regulations and any municipal on-site sewage disposal regulations respecting the length of time a permit is valid, these regulations apply.
Private sewage disposal system	Health Act,s.38	A person is prohibited from installing a private sewage disposal system or a privy except with the written permission of the Board of Health. All sewage disposal systems and privies must be built and maintained so that no nuisance would be created by them. There must also be no connection between a privy and any public sewer or drain. Private sewage disposal system is defined to include a septic tank with disposal field.

Public sewerage systems	Health Act, ss.11,41 SEE ALSO SEWAGE, Sewage works; WATER, Water supply, public water supply	When the establishment of a sewerage system or the extension of an existing sewerage system is contemplated by a municipality or any person, the municipality or the person must submit in duplicate, plans and specifications relating to the establishment or extension of the system to the Minister of Health and must not commence work until the plans and specifications have been approved by the Minister. A municipality or person establishing a sewerage system or extending an existing system must not do or perform on the system any work that is not in accordance with the plans and specifications approved by the Minister. If there is deviation from the plans and specifications approved by the Minister, the medical health officer or sanitary engineer may order the person in charge of the work to discontinue any work that is not in accordance with those plans and specifications.
Sewers		
compulsory connection	Municipal Act,s.203 Towns Act,s.176 Village Service Act,s.39	Where the council of a municipality or of a town has constructed, purchased or otherwise acquired a sewer or drainage system, the council or any standing committee authorized by it, either by resolution or by by-law, may

Sewers (cont'd)

- require the owner of every dwelling house, shop, store, office or other building the nearest part of which is not more than 100 feet from any portion of the sewer line, to construct a drain therefrom and connect it with the sewer line in the manner provided by the by-law; (the council or committee may exempt any building as appears to it to be adequately served with sewer and drainage or would not be adequately served by connection with the sewer line);
- require owners of outhouses and septic tanks where an order is made to connect or where the building is connected with the sewer, to remove and destroy the outhouses and to destroy and fill such septic tanks.

Where village commissioners have constructed, purchased or otherwise acquired or are operating a sewer or drainage system, the commissioners may by by-law,

- require the owner of every dwelling house, shop, store, office or other building, the nearest part of which is not more than 100 feet from any portion of the sewer line, to construct a drain therefrom and connect it with the sewer line in the same manner as the by-law provides;
- require the owner of an outhouse or septic tank or of the property on which an outhouse or septic tank is constructed to remove or destroy such outhouse or septic tank, and to fill with earth or other suitable material any cavity left by such removal or destruction when the building in connection therewith is connected with the sewer or is required to be connected with the sewer;

Sewers (cont'd)		- exempt from the requirements of constructing a drain and connecting it with the sewer line, a building - which is adequately served with sewer and drainage, or - for which sewer service is not required, or - which would not be adequately served by connection with the sewer line.
municipal by-laws	Municipal Act,s.191(83)(86) Towns Act,ss.221(5)(8),116 Village Service Act,s.42	A council of a municipality, of a town or a village commission may make by-laws regulating the use of and protection drains, sewers or water courses in the municipality, town or village and imposing, fixing and providing methods of enforcing payment of such charges, rates or fees as the councils or the commissioners deem fit for drain or sewer frontages or for the use of drains or sewers.
power of municipality, town, village	Municipal Act,ss.133,136 Towns Act,ss.112,174,175 Village Service Act,ss.38, 50(4)	The council of a municipality or of a town may enter into and carry out agreements with one or more cities, towns, villages or municipalities for establishing, providing, continuing, maintaining or administering the municipal services of supplying water, the supply and use of sewers and sewage disposal, by one or more of them jointly or severally to all or part of the area of the cities, towns, villages and municipalities that enter into the agreement. Such an agreement that provides for the creation of a capital asset has no effect until it has received the consent of the Minister of Municipal Affairs.

Sewers (cont'd)

The council of a municipality, of a town, and/or village commissioners are empowered to construct, alter, extend, improve, repair, maintain and operate the public sewers and drains of the municipality, town or village.

A town council may acquire and take possession of any drain or sewer constructed by any person through, under or along any street of the town which it considers necessary for drainage purposes of the town, upon such terms as to compensation to any person claiming or having any interest or right as owner or otherwise in such drain or sewer, as council deems just.

A town council may prescribe the method by which a sewer drain is to be installed, the manner of opening into and connecting with any sewer; the size, form, and materials of sewer drains and connection with sewers; prohibiting the construction of sewer drains or connecting with a sewer or both of them by any person other than officials and employees of the town; and prescribing terms and conditions under which the town will install a sewer drain or any part of it and connect it with a sewer.

With the consent of the Minister of Municipal Affairs, a town may extend, construct, alter, improve, maintain and operate its public sewers and drains or its water works and water systems or both, outside its limits and in any municipality other than a city or another incorporated town, and may acquire or purchase land, buildings, materials,

Sewers (cont'd)

		machinery, implements and plant deemed requisite or advisable therefore and may enter into contracts to supply such services. The town may charge and collect rates, charges or fees for the supply of water or for the use of its drains or sewers in the same way as it could in the case of similar services within the town.
pollution control charge	Municipal Act,s.203(A) Towns Act,s.176(A)	The council of a municipality or of a town may, by by-law, provide for a pollution control charge which is an annual charge upon the users of sewerage systems of the municipality or of the town, for the construction, operation and maintenance of a pollution control system, including collection mains or pipes, force mains, pumping stations, sewage treatment plants, and other similar sewage treatment facilities for pollution control.
sewer development charge	Municipal Act,s.203(B) Towns Act,s.176(B)	The council of a municipality or of a town may, by by-law, define the class or classes of buildings to be erected or enlarged according to the varying loads which, in the opinion of council, they impose or may impose on the sewer system and levy a charge or charges to pay for additional or trunk sanitary or storm sewer capacity required to accommodate the effluent from such buildings. For the purpose of levying such redevelopment or trunk sewer charges, the municipality or town may be divided into zones.
trunk sewer tax	Municipal Act,s.203(C) Towns Act,s.176(C) Village Service Act, s.38(1) (3)	The council of a municipality or of a town may, by by-law, impose a trunk sewer tax - on each lot in a new subdivision upon final approval of the subdivision;

Sewers (cont'd)

- on each lot in an existing subdivision when the lot is capable of being serviced by a sanitary sewer or storm sewer in a street on which the lot is located.

The commissioners of a village may

- construct, alter, extend, improve or maintain, acquire by purchase or otherwise, sewers, drains and ditches within and without the bounds of the village;
- construct, alter, extend, improve or maintain, acquire by purchase or otherwise, a water works or water system within and without the bounds of the village.

With the consent of the Minister of Municipal Affairs, commissioners may extend, construct, alter, improve, maintain and operate the public sewers and drains or other waterworks or water system outside the limits of the village and may acquire, or purchase land, buildings, materials, machinery, implements and plant deemed requisite or advisable therefore, and may enter into contracts to supply such services.

Sewage treatment projects

Provincial Capital Assistance Program (P.C.A.P.)

This Program, administered by the Department of Municipal Affairs, provides grants of up to 50% of the approved net costs to municipal units for eligible capital projects relating to water, sewer, or waste water management systems, for study costs not funded by other government departments.

Sewage works

establishment, extension, change	Water Act,s.14 SEE ALSO SEWAGE Public sewerage systems; WATER	When any municipality or person contemplates the establishment of sewage works, or the extension or change in any existing sewage works, the plans, specifications and an engineer's report of the works to be undertaken, and the location of the discharge of effluent, together with such information as the Minister of Environment may require, are required to be submitted to the Minister, and no such works may be undertaken or proceeded with until they have been approved by the Minister. Where, in the opinion of the Minister, it is in the public interest to do so, he may refuse to grant his approval, or grant his approval on such terms and conditions as he deems necessary. Where, in the opinion of the Minister, any sewage requires sewage works, or any existing sewage works require alteration, the Minister may order alterations or additions to be made by the municipality or person operating the same in the manner and within the time he directs. Sewage works must at all times be maintained, kept in repair and operated in such manner and with such facilities as may be directed from time to time by the Minister.
municipality, defined	Water Act,s.1	Municipality is defined to mean city, town, service commission or municipality of a county or district.

Sewage works (cont'd)

Service commission is defined to mean a board, commission or corporation created by or under an Act of the Legislature and having power to operate sewage works, or water works.

Sewage is defined to include domestic, commercial and industrial wastes, and unless from natural run-off, drainage and storm water.

assistance for sewage works

Water Act,s.15

SEE ALSO HOUSING, C.M.H.C., water and sewerage projects

Sewage works means any works for the collection, transmission, treatment and disposal of sewage or any part of any such works.

The Minister of Environment, subject to regulations under the Water Act, may assist municipalities in the construction of sewage collection and treatment works by making grants or loans of money or guaranteeing loans to municipalities.

The Governor in Council may make regulations:

- defining the works with respect to which assistance may be furnished under this section;
- prescribing the amount and the form or forms of assistance that may be granted;
- prescribing the terms and conditions upon which assistance may be granted;
- with respect to any other matter relating to the granting of assistance in this section that seems necessary or desireable.

	Provincial Capital Assistance Program (P.C.A.P.)	The Department of Municipal Affairs may make grants of up to 50% of the approved net cost of eligible capital projects relating to water, sewer, and waste water management systems, or for study costs not funded by the Department of Environment or other government departments.

SHOPPING CENTRES

approval of centre	Shopping Centre Development Act,s.3	No person shall develop a shopping centre without first obtaining the written approval of the Municipal Board. Any person may apply to the Board for approval, and an application shall be accompanied by: - such information as the Board may require; - any resolution of the municipal council respecting the proposed shopping centre; and - the prescribed application fee.
public hearing	Shopping Centre Development Act,s.5	The Board shall hold a public hearing in the area in which the centre is proposed to be developed before approving or refusing to approve the shopping centre. Notice shall be given to the clerk of each municipality within 50 miles of the proposed centre, and in a newspaper circulating in the area.
factors	Shopping Centre Development Act, s.6	In determining whether to approve a shopping centre, the Board shall consider: - the need for or desirability of additional retail space in the area in which the shopping center is proposed to be constructed or enlarged; - the effect of the additional retail space on existing or proposed retail outlets in the general area to be served by the shopping centre; - such considerations as the Governor in Council may prescribe.

SHOPPING CENTRES (cont'd)		
exceptions	Shopping Centre Development Act,s.11	
development where municipal planning strategy in effect	Shopping Centre Development Act,s.12	Where a person wishes to develop a shopping centre where a municipal development plan (municipal planning strategy) is in effect, an application shall be to the municipal council and not to the Municipal Board.
SIGNS	SEE ALSO MUNICIPAL PLANNING STRATEGY, LAND-USE BY-LAW, TRANSPORTATION, Highway sign.	Where a municipal planning strategy so provides, a land-use by-law may regulate or prohibit the public display of advertising, and regulate the nature, kind, size and description of any advertising displayed.
	Municipal Act,s.191(79) Towns Act,s.221(27)	The council of a municipality or a town may make by-laws regulating and prohibiting advertising in public places or regulating swinging or other signs that project over the street or sidewalk.
SMALL BUSINESS DEVELOPMENT		
Small Business Development Department	Public Service Act, s.45L	The Department of Small Business Development is responsible for the supervision, direction and control of all affairs and matters relating to the development of the small business sector of the economy, including the Business Capital Corporation Act, and such other affairs and matters as may be assigned by the Governor in Council.

SOLID WASTE	SEE ALSO HEALTH REGULATIONS	
municipal garbage disposal	Health Act,s.46	Every municipality is required to make provision for the sanitary disposal of garbage and refuse, in the manner approved by the board of health, by the establishment and operation of a dump, incinerator, garbage disposal plant or other means.
municipal, town and village powers	Municipal Act,ss.133,136 141 Towns Act,s.112 Village Service Act,s.38	The council of a municipality or a town and a village commission may enter into and carry out an agreement with one or more municipal units, for the establishment, provision, maintenance or administration of the collection, removal and disposal of garbage.
municipal, town and village by-laws	Municipal Act,s.191(58) (59),(60),(78) Towns Act,s.221 Village Service Act,s.38	The council of a municipality, or a town and a village commission may make a by-law authorizing council or the commission - to provide dumps or places of deposit for garbage, ashes, cleanings of yards and other refuse and rubbish; - requiring the owners or occupiers of property to remove all garbage, ashes, cleanings and refuse, to such dumps or places of deposit; - prohibiting persons from depositing the same in any other place; - regulating the mode of removal and providing for and regulating the use of containers for garbage; - regulating the use of dumps and providing for times and conditions under which the same may be used;

SOLID WASTE (cont'd)		- such charges as the by-law provides for the removal of garbage if it is removed by the municipality, town or village and for the use of dumps; - licensing persons engaged in the removal and collection of garbage.
SUBDIVISION	SEE ALSO VALIDATION, CERTAIN PROPERTY TRANSFERS, PARTITION	
definition	Planning Act, ss.3(r), 87A	Subdivision means the division of any area of land into two or more parcels and includes a resubdivision or a consolidation of two or more parcels.
Plans and Instruments		Subdivision of land in any municipality shall be by plan of subdivision. In a rural municipality, it may be by instrument of subdivision, where provincial regulations or a subdivision by-law so provide and where the subdivision results in: (a) each lot being 100,000 square feet or more, and having dimensions that would allow it to contain a 250 foot diameter circle within its boundaries; or (b) the increase in size of an existing lot by adding part of an abutting lot, where the lot reduced in area complies, after the subdivision, with the frontage and area requirements set out in the provincial subdivision regulations or the municipal subdivision by-law, as the case may be.

SUBDIVISION (cont'd)

Provincial Subdivision regulations	Planning Act,s.88(1)	The Minister of Municipal Affairs shall prescribe provincial regulations for the subdivision of land including:
-mandatory content of provincial subdivision regulations	Planning Act,s.88(2)	- procedure for the approval of tentative plans of subdivision, including the form of application; - requirements for approval of tentative plans; - procedure for the approval of final plans, including application form for approval; - requirements for approval and registration of final plans; - fees for plan registration; - referral of plans to Department of Health; and - referral of plans to Department of Transportation for approval;
permissive content	Planning Act,s.88(3)	Provincial subdivision regulations may include; - waivers from compliance with certain requirements of the provincial regulations; - reasonable fees for the processing by a provincial development officer of plans of subdivision, and instrument - minimum lot dimensions for frontage and area which apply where no land-use by-law is applicable; - referral of subdivision plans to any other agency or department of the Province or municipality; - limitations on the number of lots that can be subdivided from an area of land, where the lots are not on a street or road owned and maintained by the Province, city or town; - requirements for lot frontage;

SUBDIVISION (cont'd)

		- size and shapes of blocks; - in rural municipalities, procedure for approval of instruments of subdivision, including forms for instruments; - in rural municipalities, requirements for approval and registration of instruments; - fees to be charged for registering instruments; - any other matter necessary to carry out the intent of a provincial land-use policy with respect to subdivision.
-territorial application	Planning Act,s.88(4)	Provincial subdivision regulations may apply to all or part of the Province, and there may be different regulations for different parts of the Province.
-provincial development officers	Planning Act,s.88(5)	The provincial subdivision regulations shall be administered by provincial development officers designated by the Minister.
-adoption of provincial subdivision regulations	Planning Act,s.89	The Minister shall give 30 days notice prior to prescribing subdivision regulations by giving written notice to each council affected and seek the comments of each council and by newspaper advertisement in the area affected, which shall state where the proposed regulations may be inspected and invite written comments from the public.
Municipal subdivision By-law	Planning Act,s.90	A municipality may adopt a subdivision by-law which shall be consistent with the provincial regulations which apply to the municipality at the time of adoption of the by-law. When a by-law comes into effect, the provincial regulations no longer apply to that municipality.

SUBDIVISION (cont'd)		A subdivision by-law shall apply to the entire municipality, but there may be different requirements for different parts of the municipality.
-adoption of municipal subdivision by-law	Planning Act,s.91A	Before adopting or amending a subdivision by-law, the council shall hold a public hearing at which oral and written submissions shall be received. The hearing must be advertised at least once a week for two successive weeks in a newspaper circulating in the municipality. The first notice must be published at least 21 clear days prior to the hearing. Only those councillors present at the public hearing may vote on the by-law, and adoption shall be by majority vote of those councillors.
-approval by Minister	Planning Act,s.91A	A subdivision by-law and any amendment thereto must be approved by the Minister before coming into effect.
-mandatory content	Planning Act,s.91	The subdivision by-law shall include any requirements of the provincial subdivision regulations applicable to the municipality, but these may be varied where the municipality adopts more stringent requirements or where the requirements are dealt with in a municipal planning strategy.
-permissive content	Planning Act,s.91(2)	The subdivision by-law may: - require areas to be reserved for public purposes if not dealt with in the land-use by-law; - regulate minimum lot dimensions and building lines, and the size and shape of blocks and lots; - set standards for streets and roads in the case of a city or town;

SUBDIVISION (cont'd)

- in the case of a rural municipality, set the standards and requirements of construction of private roads servicing two or more lots, or such greater number of lots as the by-law specifies, and the widening and modifying of such existing streets and roads;
- set standards and requirements for water and sewer services, and other services and utilities;
- require the transfer of land or payment of cash in lieu of land to the municipality for park, playground or other public purposes, provided that the land does not exceed five percent of the area shown on the final plan of the subdivision;
- limit the number of lots that can be subdivided from an area of land in a given calendar year, where the municipal planning strategy so provides;
- provide for waivers from compliance with certain by-law requirements.

subdivision services	Planning Act,s.91(3)	A subdivision by-law may require a subdivider prior to the endorsement of approval on the final plan of subdivision to install water, sewer and other services; to construct, layout, grade or pave any proposed street in the subdivision; or in the alternative, to enter into a performance bond to provide services or to maintain the installations for a period of one year from the date of installation.
application fees	Planning Act,s.91(4)	A subdivision by-law may outline fees to be paid by the applicant for the review and approval of a subdivision plan.

SUBDIVISION (cont'd)

application for subdivision approval	Planning Act,s.96	An application for subdivision approval by plan or instrument must be made to the relevant development officer for the Province or the municipality. The officer shall inform the applicant within 15 days as to whether the application is complete. Within 30 days of receiving a completed application, the officer shall; - approve the plan if it conforms to the provincial regulations or municipal by-law and has received all the necessary approvals from other Departments or agencies; - give written notice to the applicant of all approvals received, and where necessary, departments or agencies which have not approved the plan; or - notify the applicant in writing of the reasons why the plan as submitted has been refused. Where a department or agency of the Province has not indicated its approval or refusal to approve a plan to the Development Officer within 6 months from the date that the completed application for approval of the final plan was sent to them by the development officer, the department or agency is deemed to have approved the final plan.
lapse of tentative plan approval	Planning Act,s.96(5)	The approval of lots on a tentative plan of subdivision lapses if the lots are not on the final plan of subdivision approved within two years of the date of approval of the tentative plan.

SUBDIVISION (cont'd)

plan implementing agreement	Planning Act,s.97	A municipal development officer may approve a subdivision plan prepared to implement an agreement authorized by a municipal planning strategy and land-use by-law, notwithstanding that it does not comply with the subdivision by-law, providing that it complies with the agreement.
relaxation of municipal subdivision requirements	Planning Act,s.98(1)	Where provincial subdivision regulations or a subdivision by-law specifies a minimum lot dimensions or lot area and where the regulations or by-law so provides, the development officer may approve a subdivision plan that shows not more than two lots that do not meet these requirements provided that the lot area and dimensions are not less than ninety per cent of the required minimum. No approval will be granted where the difficulty experienced is general to the lots in the area, or results from the intentional disregard of the subdivision regulations or by-law.
Approval of Department of Transportation	Planning Act,s.99	Unless a provincial subdivision regulation otherwise provides, no plan of subdivision in a rural municipality shall be approved until the Minister of Transportation or an official in his department, has approved all public streets and roads shown on the plan of subdivision, or part of a plan to be approved, or on which lots on the plan of subdivision, or part thereof to be approved abut; and has approved of the intersection with public streets and roads that are not to be owned and maintained by the Province. The minimum width of all streets and roads not owned and maintained by the Province and shown on a plan of subdivision after August 1, 1987

		shall be 66 feet. The Province shall not in a rural municipality expend any money on a street or road that is not owned and maintained by the Province and is shown on a plan of subdivision approved after August 1, 1972.
Final Plan of Subdivision Registration	Planning Act, s.100	No plan of subdivision will be registered at any Registry of Deeds office until it has been approved and endorsed by a development officer in accordance with the Planning Act. A development officer will endorse the plan and register it within 30 days of the approval, in the appropriate Registry of Deeds, unless the applicant has failed to comply with the subdivision regulations or by-law.
Endorsement	Planning Act,s.100(3)	The endorsement of the development officer shall indicate what other approvals have been granted or refused pursuant to any other enactment; and which streets and roads shown on the plan are to be owned and maintained by the Province. The officer should also note if the approval is a "deemed" approval under s.96(4).
Notice to Council	Planning Act,s.100(5)	A provincial development officer shall give notice of the endorsement on a final plan of subdivision to the relevant municipal council and to the Director of Planning within two days of the endorsement.
Installation of services	Planning Act,s.100(6)	When a final plan is approved, an applicant may lay out and construct streets, blocks, lots and land for public purposes and any other services or utilities required, in such phases as may be agreed upon at the time of the approval of the final plan and before endorsement of approval on the final plan.

SUBDIVISION (cont'd) **Effective date of subdivision plan**	Planning Act,s.101(1)	No subdivision takes effect except upon endorsement and proper registration.
SUBDIVISION BY-LAW AMENDMENT		
initiation by Minister	Planning Act,s.94	Where the Minister has prescribed subdivision regulations and is of the opinion that the existing by-law is inconsistent with the regulations, the Minister shall provide for the amendment of the by-law by: - advising council of the particulars of the conflict, and - requesting council to submit proposals to resolve the conflict within a time period set by the Minister which shall not be less than 90 days. If council fails to respond, or if council cannot agree with the Minister, the Minister may direct the council to amend its subdivision by-law in a manner prescribed by the Minister. If council fails to amend, the Minister may amend its subdivision by-law.
notice of amendment	Planning Act,s.94(5).	Where the Minister amends a subdivision by-law, he shall file a copy of the amendment with the municipal clerk and publish notice of the amendment in a newspaper circulating in the municipality.
initiation of amendment of plan of subdivision	Planning Act,s.102(1)	Where a final plan of subdivision has had approval endorsed in accordance with the Planning Act or any former Planning Act, it may be amended or repealed upon the application of the owner or by council if it has a subdivision by-law in effect.

SUBDIVISION (cont'd)

	Planning Act,s.102(2)(3)	The same provisions of the Planning Act which apply to the approval of a subdivision plan or instrument, apply to its amendment or repeal. Notwithstanding this, where an amendment or repeal is initiated by Council, the council shall give 30 days notice to the owner by registered mail or by personal service and publish a notice of a public hearing in a newspaper circulating in the area affected at least once a week for two successive weeks, the first notice appearing at least 30 clear weeks before the hearing.
	Planning Act, s.102(4)(5)(6)	Except with proper notice, no amendment of a subdivision plan or instrument shall be made without the written consent of the owner. An amendment does not affect the ownership of the land. An amendment is approved and registered in the same manner as the original plan or instrument.
appeal of refusal to grant permit	Planning Act,s.103	A refusal by the development officer to approve a plan or instrument of subdivision may be appealed to the Municipal Board by the applicant. The appeal must be taken within 15 days after service of the development officer's written decision. The Municipal Board shall decide whether the proposed plan or instrument complies with the subdivision regulations or by-law, as the case may be, and either confirm the officer's decision or allow the appeal and direct the officer to approve the plan or instrument.

SUBDIVISION (cont'd) **Application of Planning Act**	Planning Act,s.93(1)	For greater certainty, the Planning Act applies to: (a) a partition of land pursuant to the Partition Act or the Probate Act; and (b) a division of land resulting from a sale of land for taxes under the Assessment Act; and (c) a division of land pursuant to the Matrimonial Property Act.
Act not applicable	Planning Act,s.93(2)	The Planning Act does not apply to: - a division of land resulting from a devise by Will; - a division of land resulting from an expropriation; - a division of land resulting from an acquisition of real property by any means whatsoever by Her Majesty in the right of the Province or of Canada or by any agency thereof; - a division of a cemetery into burial lots; - a division of land resulting from an acquisition or disposal of real property by a municipality where the instrument creating the division expressly and bona fide states therein that the acquisition or disposal is for the purpose of altering the boundaries of an existing or creating a new pubic street or walkway;

SUBDIVISION (cont'd)

- a division of land resulting from an acquisition of real property by a municipality where the instrument creating the division expressly and bona fide states therein that the acquisition is for the purpose of transferring land to the municipality as required by a subdivision by-law;

- a division of land which is a railway right-of-way and is abandoned according to law or a consolidation of any part of such land with adjacent land;

- a division of land resulting from a lease of real property for, directly or by entitlement to renewal, a term of twenty years or less;

- a subdivision in respect of the creation of any parcel in excess of twenty-five acres in area; or

- a division of land where there is no provincial subdivision regulations or subdivision by-law of a municipality in force in respect of that land at the time of the division.

TOURISM	SEE ALSO HEALTH REGULATIONS	
Department of Tourism And Culture	Public Service Act, s.45(A)	The function of the Department of Tourism and Culture is: - to implement provincial policies relating to the development and promotion of the tourist industry; - to cooperate with other departments, provinces and the federal government and its departments in the promotion of the tourist industry in Nova Scotia; - to cooperate with and develop programs and policies which will assist individuals and firms engaged in the tourist industry; - to implement provincial policies relating to parks, beaches and recreational areas including parks operated by the Province; - to provide information services relevant to its activities.
TRAILS	SEE RECREATION	
TRANSPORTATION		
Airports		
power of municipality and town	Municipal Act,s.136 Towns Act,s.112 SEE ALSO HEALTH REGULATIONS	The Council of a municipality or of a town is empowered to vote, rate, collect, receive, appropriate and pay all sums of money required for the laying out, constructing, paving, maintaining and operating of a landing strip or airport and acquiring land necessary therefor either within, outside, or partly within and partly outside the municipal unit, and either by the municipal unit alone or by the unit together with any city, town or municipality or with the federal or provincial government.

TRANSPORTATION (cont'd)

by-laws	Municipal Act,s.191 Towns Act, s.221	The council of a municipality or of a town is empowered to make by-laws regulating and providing for the management and use of a landing strip or airport but no such by-law applies to an airport operated by the federal government.
Highways		
supervision, construction maintenance	Public Highways Act, ss.1,2,3,4,10	The Minister of Transportation is charged with the supervision, management and control of the highways in the Province and all matters relating thereto. The Minister is also empowered to construct or maintain any highway and on behalf of the Province may enter into contracts or agreements for those purposes. However, nothing in the Public Highways Act compels or obliges the Minister to construct or maintain any highway or to spend money on any highway. The Public Highways Act applies to all highways in the Province not included within the boundaries of a city or town, and does not, except where especially provided, apply to highways within the boundaries of cities or towns. Highway is defined to mean a public highway or public road and includes the bridges thereon. Except in so far as they have been closed according to law, the following are deemed to be common and public highways until the contrary is shown:

- all allowances for highways made by surveyors for the Crown;
- all highways laid out or established under the authority of any statute;
- all roads on which public money has been expended for opening, or on which statute labour has been performed;
- all roads passing through Indian lands;
- all roads dedicated by the owners of the land to public use;
- every road now open and used as a public road or highway; and
- all alterations and deviations of, and all bridges on or along any road or highway.

Construction is defined to include the original work of constructing, opening or making a public highway.

Maintenance is defined to mean the preservation and keeping in repair of a public highway and includes the removal of snow and the doing of any work and the supplying of any materials in connection therewith.

title	P.Hwys.Act,s.10	Every common and public highway, together with the land within the highway's boundaries is vested in her Majesty the Queen in the right of the Province.
reservation of land for highway purposes - declaration	P.Hwys.Act,s.11	When the Minister is of the opinion: - that certain land will, in future, be required for the construction of a public highway; - that the land will not immediately be required for that purpose;

TRANSPORTATION (cont'd)

		- that it is desirable, in the interest of economy and certainty, to reserve the land for highway purposes; he may reserve the lands for highway purposes for such period, not exceeding five years, as he considers desirable.
- registration of plan and description	P.Hwys.Act,s.12	When the Minister desires to reserve lands for the highway purposes, he must file or cause to be filed in the registry of deeds for the district in which the lands are situated, a declaration that he so reserves the lands and the period of the reservation together with a plan and description of the lands to be reserved.
- notification	P.Hwys.Act,s.12	Within ten days after filing the declaration, the Minister is required to notify the owner of any lands affected by the reservation.
- appeal	P.Hwys.Act,s.12	The owner of land within or abutting upon a reservation, may within 30 days after the filing of the plan and description, apply to the Minister to rescind, vary, or modify the period or area of the reservation, and the Minister on such application, may confirm, rescind, vary or modify the reservation and is required to give notice of his decision to the applicant. If the applicant is dissatisfied with the Minister's decision, he may, within 30 days after notice of the decision has been served upon him, appeal to the Governor in Council.

TRANSPORTATION (cont'd)

The Governor in Council may confirm, set aside or vary the Minister's decision or may make such order as he considers appropriate respecting the period and area of the reservation.

effective date P.Hwys.Act,s.12

Upon the filing, in the appropriate registry of deeds, of a copy of the order of the Governor in Council, the lands described in the order are reserved for highway purposes or relieved from reservation, as the case may be, in accordance with the terms of the order.

If no person has applied to the Minister and 30 days have elapsed after the filing of the the plan and description, the Minister may file in the registry of deeds a certificate that no such application has been made and the lands thereupon described in the plan and description are reserved for highway purposes in accordance with the terms of declaration.

Where 30 days have elapsed after an application to the Minister, and no person has appealed to the Governor in Council from the Minister's decision, the Minister may file in the appropriate registry of deeds, a certificate setting out his decision and a statement that no appeal has been made to the Governor in Council. The lands thereupon described in the certificate are reserved for highway purposes in accordance with the terms of the certificate.

TRANSPORTATION (cont'd)

- termination, reduction	P.Hwys.Act,s.12	The Minister, by a declaration filed in the appropriate registry of deeds, may terminate or reduce the period or area of any reservation created under this section.
- compensation	P.Hwys.Act,s.13	Where a person erects upon land in respect of which a reservation for highway purposes is in effect, any building, wall, fence, wharf or breakwater, or other structure of a permanent nature, or makes on it any improvements of any sort and the land is subsequently acquired by the Minister for highway purposes, the Minister is not liable to pay compensation to the owner in respect of the building, etc., that was erected or made while the reservation was in effect. This section does not apply to any extension, renovation, repair or improvement of any dwelling house of one or more housing units on any land reserved for highway purposes, done in good faith, and not for the purpose of increasing the value thereof whereby the dwelling house is not converted into an increased number of dwelling units.
width	P.Hwys.Act,s.14	Every common and public highway is, until the contrary is shown, deemed to be at least 20.1168 meters in width. If there is a dispute as to the boundaries of the highway or road, the boundaries shall be fixed by the Minister. Any person aggrieved by a decision of the Minister may, within one month of the date of the decision, appeal to a judge of the County Court for the dis-

TRANSPORTATION (cont'd)

		trict within which the highway lies. The judge is required to hear and determine the appeal in a summary manner and may confirm, vary or reverse the Minister's decision.
new highways - width	P.Hwys.Act,s.15	Any new highway or any alteration of an existing highway is required to be at least 20 metres in width but may be laid out less in width if the Minister deems a lesser width sufficient for public convenience.
- acceptance by Minister		No road or allowance for a road hereafter laid out, made or set aside by any person other than the Minister or some person acting on his behalf, becomes a public highway for the purposes of this Act, until the Minister indicates formally that he accepts the road or allowance as a public highway for the purposes of this Act.
controlled access highways		
- designation	P.Hwys.Act,s.20	The Governor in Council may designate as a controlled access highway: - any highway or part of it in a municipality or in a city or town, or maintenance of which the Province has contributed or contributes; - any land owned by the Province in a municipality upon which it is planned to construct a highway under this Act, or any land owned by the Province in a city or town upon which it is planned that there be constructed a highway towards the construction or maintenance of which the Province will contribute;

TRANSPORTATION (cont'd)

		- any lands reserved for highway purposes under section 11 (reservation of land for highway purposes) of the Public Highways Act.
- notification	P.Hwys.Act,s.20(2)(3)	
- restrictions on use	P.Hwys.Act,s.21	Where a highway or portion of it, or any land has been designated as a controlled access highway, no person shall, without a written permit from the Minister: - construct, use or allow the use of, any private road, entranceway or gate which or part of which is connected with or opens upon the controlled access highway; or - sell, or offer, or expose for sale, any vegetables, fruit, meat, fish or other produce, or any goods, wares or merchandise upon or within 45 metres of the limit of the controlled access highway; or - erect, construct, or place or cause to be erected, constructed, or placed, any building or other structure, or extension or addition thereto, upon or within 60 metres of the limit of the controlled access highway. For the purposes of this section, "private road" includes a street, road or highway in a city, town, or municipality other than a highway to which the Public Highways Act applies.
- compensation, controlled access highway	SEE TRANSPORTATION, Highways, parkway areas	

TRANSPORTATION (cont'd)

Parkway Areas

- declaration	P.Hwys.Act,s.22(1)(2)(3)	The Governor in Council may, by regulation, declare any area adjoining any highway outside the limits of a city or town to be a parkway area and may by such regulation define the limits of the area. A regulation is not effective until a copy certified by the Minister is filed in the registry of deeds for the registration district in which the land or part of it is situated.
- notice	P.Hwys.Act,s.22(2)	The Minister is required to cause notice of any regulation to be given to the owner of land within the parkway area.
- use of land	P.Hwys.Act,s.22(4)	Within any parkway area, no person shall, without the written consent of the Minister: - erect, construct, alter or reconstruct any building; - fell or remove any tree, shrub or bush; - erect any fence, railing, wall or hedge.
- regulations for parkway areas	P.Hwys.Act,s.22(5)	The Governor in Council may make regulations: - designating the height, ground area and bulk of buildings erected, constructed, altered or reconstructed in any parkway area; - prescribing building lines and the depth, size or area of years, courts or other open spaces to be maintained in any parkway area; - prescribing the maximum density of population permissible within any parkway area; and

TRANSPORTATION (cont'd)

		- prescribing or controlling the architectural design, character and appearance of any or all buildings proposed to be erected in any parkway area and prohibiting the erection of any building in contravention of such regulation.
- compensation	P.Hwys.Act,s.23	Where a controlled access highway has been designated or an area has been declared to be a parkway area, or regulations have been made respecting a parkway area and property is injuriously affected, the owner of the property, in respect of any matter or thing that has not been the subject of compensation, is entitled to compensation for the injury. Any question as to whether any property is injuriously affected and as to the amount of payment and compensation is determined by arbitration and the provisions of the Arbitration Act apply.
Trans-Canada Highway - federal-provincial construction	P.Hwys.Act,s.24, 25	With the approval of the Governor in Council, the Minister may enter into and carry out an agreement with the Government of Canada or a Minister thereof for the construction, within the Province, or highways or portions of highways, as part of the trans-Canada highway or of any other highway, at the joint expense of Canada and the Province and upon such terms and conditions as may be agreed upon. The Governor in Council may designate any highway or portion of it to be and to form of a Trans-Canada Highway.

TRANSPORTATION (cont'd)

- construction, etc. by cities and towns

The Minister, with the approval of the Governor in Council and any city or town are authorized to make, enter into and carry out an agreement to co-operate in such manner as may be agreed upon in the construction, reconstruction or maintenance of any highway or any part of it in a city or town, if in the opinion of the Minister, the highway forms a connecting link in a main trunk highway of the Province, or is a main highway leading into or through the city or town; and are authorized to make all necessary expenditures in connection therewith provided that such agreement does not require the Minister to undertake more than 50% of the cost of construction, reconstruction or maintenance of any portion of any such highway.

- construction, maintenance in cities and towns

P.Hwys.Act,s.26

The Minister, for the purpose of providing a more direct or expeditious route for traffic through a city or town, may construct and maintain a highway or a portion of it, within the boundaries of the city or town.

A city or town, within which a highway or a portion of it is being or is proposed to be constructed or maintained under this section, may co-operate or participate with the Minister in such construction and maintenance in such manner and to such extent as may be agreed upon by the city or town and the Minister, and may make all necessary expenditures in connection therewith.

TRANSPORTATION (cont'd)

improvements by municipalities	P.Hwys.Act,ss.1,27,28,29 SEE ALSO SUBDIVISION.	A municipality is prohibited from effecting improvements of a permanent character on any highway, unless it: - submits to the Minister plans, specifications, estimates and other particulars, respecting the proposed improvements; - satisfies the Minister that suitable provision will be made for the future maintenance of such highway after it has been so improved; and - obtains from the Minister his written consent. The municipality may after compliance with these conditions enter into an agreement with the Minister for the carrying out of such improvement by the municipality, the Minister, or some other person upon such terms and subject to such conditions as the Minister prescribes and the Governor in Council approves. The costs of any such improvements shall be apportioned between the municipality and the Province in the manner agreed upon by them. However, any sum payable by the Province may not exceed one-half of the whole cost of the improvement. Municipality means the county or district under the jurisdiction of a municipal council.
sidewalk construction, etc. in municipalities	P.Hwys.Act,s.30	The Minister, with the approval of the Governor in Council, and any municipality may make, enter into and carry out an agreement to co-operate in such manner as may be agreed on in the construction, reconstruction, or maintenance of any sidewalk or

TRANSPORTATION (cont'd)

		any part of it on a public highway right of way within the municipality if, in the opinion of the Minister, the sidewalk is necessary and is in the public interest; and are authorized to make all necessary expenditures in connection therewith but no such agreement may require the Minister to undertake more than 50% of the cost of the construction, reconstruction or maintenance or any sidewalk or part thereof.
improvements by individuals	P.Hwys.Act,s.31	The Minister may, on such terms and conditions as he deems expedient: - authorize any person to make improvements of any highway or any part of it; or - enter into and carry out an agreement with any person to cooperate in the making of such improvements or any part thereof.
obstructions on or near highways	P.Hwys.Act,ss.39,40	A person is prohibited from: - placing an obstruction on a highway; - placing an obstruction in a drain, gutter, sluice, or watercourse on a highway; - prevents by a dam or obstruction water flowing from the highway on to the adjoining land whether or not he is the owner or occupant of such land; or - causes water to flow over the highway.
building setbacks	P.Hwys.Act,s.41(1)	Except where a person has a permit to erect, construct or place or cause to be erected, constructed or placed, any building or other structure, or part of it, or extension or addition to it, upon or within 60 metres of the limit of a controlled access

		highway, and unless he has first obtained the written consent of the Minister, no one shall erect, construct or place or cause to be erected, constructed or placed, any building or other structure, or part thereof, or extension or addition thereto, upon any highway or within 100 metres from the centre line of the travelled portion of any highway.
fences, garbage, etc. prohibited on highway	P.Hwys.Act,ss.41(2),42	No one shall obstruct a highway with a fence, wall, railing, tree or hedge. No one shall deposit refuse, sewage, garbage, etc. on a highway or in any drain, gutter, sluice or watercourse on any highway.
power to construct, maintain drains, etc. on land adjoining a highway	P.Hwys.Act,s.43	The Minister, or any person acting on his instructions, may construct, open, maintain or repair any drain, gutter, sluice or watercourse upon any land adjoining a highway and for such purpose may at any time enter into and upon any such land.
flow of water over highway	P.Hwys.Act,s.44	An owner or occupant of land, who collects water upon his land, and turns or allows such water to flow upon the highway, is liable for all damage to the highway, gutters or drains occasioned thereby.
poles, wires, etc. on highway	P.Hwys.Act,s.45	Any person or corporation, with the Minister's consent and upon any terms or conditions imposed by the Minister, may, in any municipality, erect, place, set and maintain on any highway any such poles, wires, fixtures and attachments and construct, erect, place and maintain and keep thereon, or thereover, or thereunder any such object or thing and break up the soil of any such highway.

TRANSPORTATION (cont'd)

breaking soil of highway	P.Hwys.Act,s.46	No person shall break up the soil of a highway without first making application in writing to the division engineer for such purpose and obtaining his permission therefor in writing. The engineer may impose such terms he considers necessary for the protection of persons using the highway and for the prevention of damage to the highway or to other property.
advertising signs	P.Hwys.Act,ss.47,48	The owner or occupant of land adjoining a highway who erects or maintains, or permits the erecting or maintaining on that land, of any advertising sign or billboard, that in the opinion of the Minister is a menace or source of danger to traffic on the highway, and who fails to remove such sign or billboard within ten days after the receipt of notice from the Minister to remove the same, is liable to a penalty. The Minister, with the approval of the Governor in Council, may make regulations: - prohibiting or regulating the erecting or maintaining or pasting or painting or exposing of advertisements upon or with 150 metres from the centre line of the travelled portion of any highway outside the limits of any city or town; - prohibiting or regulating the erecting or maintaining or pasting or painting or exposing of advertisements within the limits of any city or town upon or within 45 metres from the centre line of the travelled portion of any highways, roads or streets or portions of highways, roads or streets, toward the construction or maintenance of which the Province has contributed any part of the cost; and

TRANSPORTATION (cont'd)		- providing for licenses for erecting or maintaining or pasting or painting or exposing any such advertisements and prescribing the terms, fees and conditions under which licenses may be issued and that the issuing of any license shall be absolutely discetionary. Where a license is so granted nothing in this section interferes with the right of the city, town or municipality to impose a license fee in respect of any such advertisement.
		Advertisement is defined to include any sign, placard, boarding, bill-board or any other form or means or device whatsoever of public notice or announcement whether erected, pasted or painted and also includes any sign, placard, boarding, or bill-board or other device or medium intended or suitable or adapted as a form or means of public notice or announcement whether or not the same is at the time actually used for such purpose.
Private roads		
petition for right of way	Private Ways Act,s.1	Every owner or occupier of any mine, mill, quarry, farm, or factory who is desirous of transporting the produce of such mine, mill, quarry, etc. to a railway or public way, or to tidal or other waters or elsewhere, and every owner or occupier of any timber lands who desires to enter upon such lands and cut the timber or wood and remove it to a mill, railway, or public way or tidal or other waters, or elsewhere, and who is unable to make an agreement for a right of way with the owner or owners of any land

TRANSPORTATION (cont'd)

		which it is necessary to cross in order to effect such entry or transportation, may present a petition to the Governor in Council, asking that proceedings be taken under this Act to enable the petitioner to acquire a right of way across the land.
- granting of right of way	Private Ways Act, ss.2, 3,4	The Governor in Council, if satisfied that the desired right of way is necessary for the purposes for which it is sought and that it is otherwise just and reasonable, shall by Order-in-Council, declare that the petitioner is entitled to acquire a right of way over the lands mentioned in the petition. The order will define the boundaries of the right of way and specify the nature and extent to the right, and whether the right is to be acquired in perpetuity or for a term of years. If a Commissioner appointed by the Province to hold an inquiry into a petition finds that the proposed right of way runs through any house, building, orchard or garden, no further proceedings will take place on the petition.
- compensation	Private Ways Act, ss.8,9,10	Provision is made for the appointment of three arbitrators to assess the amount of compensation and damages to be paid to the owner of the land for the proposed right of way.
- title	Private Ways Act, ss.11, 12	On payment to the owner of the amount awarded by the arbitrators, a right of way, as defined in the Order-in-Council, vests in the petitioner.

TRANSPORTATION (cont'd)		A copy of the Order-in-Council and of the award, certified by the Provincial Secretary (Attorney General) is required to be registered in the registry of deeds for the registration district where the land over which the right of way is acquired, is situated.
- sluices	Private Ways Act,s.14	Sections 1-14 of the Private Ways Act apply to a right of way for and a right of way to build a sluice by which to convey, transport or remove the produce, timber and wood mentioned in Section 1 of the Act by water or otherwise.
petition of property owner in municipality	Private Ways Act,ss.15, 16, 32	Any property owner in any municipality may present a petition to the council asking for the obtaining and laying out of a private way or road, either open or pent. Road is defined to include a bridge or approach to a bridge, except in the provision prescribing the width of a road. If a council is satisfied that the application should be granted, it will appoint a commissioner and direct him to examine whether the proposed private road or way is the most practicable and reasonable means of access for the petitioner to his lands or property or rights, and if satisfied, he is empowered to lay out the same in the manner most advantageous to the petitioner and least detrimental to the owners of the land through which the road or way passes, and to mark it out on the land.

TRANSPORTATION (cont'd)		Council is also empowered to direct gates to be placed on private ways or roads and may make regulations respecting the placing and keeping of them.
- width	Private Ways Act,s.17	A private way or road shall not be more than 25 feet in width.
- compensation	Private Ways Act,ss.18-29	The Commissioner may make an agreement in writing with the owners of the land, with respect to compensation, however provision is made for arbitration where no agreement on compensation is reached.
- title	Private Ways Act,s.30	Upon registration of a copy of the plan and the agreement for compensation or, if there is no agreement, a copy of the arbitrators' award for compensation, in the registry of deeds for the registration district in which the land lies, title vests as an easement to the land or rights of the person applying for such private way or road.
- appeal	Private Ways Act,s.31	Any person petitioning for a private way or road, and any person interested in the lands through or over which such right or road is to be laid out, may, within ten days after the decision of council, appeal from the decision of council to the County Court in the county where it is proposed to lay out such way or road. The Court is required to determine the questions raised. It may allow the appeal and quash, set aside or reverse the decision of council, or confirm the same, either with or without costs. The decision of the court is final.

TRANSPORTATION (cont'd)		
- alteration or abandonment	Private Ways Act,s.34	Where a private way or road or part of it has been altered or abandoned, any person interested in it or any of the owners of land adjoining it, may by petition apply to council to shut up or otherwise dispose of the same.
Public Transit		
municipal and town powers	Municipal Act,s.136(60) Towns Act,s.112(af) SEE ALSO MUNICIPAL PLANNING STRATEGY HEALTH REGULATIONS, PUBLIC UTILITIES BOARD	The councils of a municipality and of a town are empowered to vote, rate, collect, receive, appropriate and pay all sums of money required for the providing of an urban transit service within the municipality or town or partly within and partly outside the municipality or town either by the purchase of vehicles and operation of the service or by payment of a subsidy to a person who will undertake to operate the service, either by itself or jointly with any city, town or municipality.
Metropolitan Transit Commission of Halifax-Dartmouth and the County of Halifax	Metropolitan Authority of Halifax, Dartmouth and County of Halifax Act, ss.35, 36	Provides for the creation of the Metropolitan Transit Commission of Halifax, Dartmouth and the Municipality of the County of Halifax as a body corporate with full power to establish, develop, maintain and operate a regional public transit system to serve Halifax, Dartmouth and the County.
Regional	Regional Transit Authority Act,s.3	Two or more municipalities by instrument in writing approved by resolution of the councils thereof and executed in the manner provided in this Act, may establish a regional transit authority for an area. An area may not be included in more than one authority and the Minister of Municipal Affairs shall exclude from the area of an authority any part of the area that is included in the area of another authority.

TRANSPORTATION (cont'd) County of Halifax	An Act Respecting the Municipality of the County of Halifax, ss.2,3 SEE ALSO PUBLIC UTILITIES BOARD	Subject to the provisions of the Public Utilities Act, the Municipality of the County of Halifax may undertake to provide transportation services within and outside the Municipality and may enter into and carry out an agreement or agreements with one or more cities, towns, municipalities, villages, commissions, authorities or agencies, or with the provincial or federal governments for the establishing, providing, continuing, maintaining or administering of transportation services by one or more of them jointly or severally, to all or part of the areas of the cities, towns, villages and municipalities that enter into the agreements, provided that no agreement that provides for the creation of a capital asset has effect until it has received the consent of the Minister of Municipal Affairs.
Railways		
relocation	Railway Relocation and Crossing Act (CANADA)	This Act provides for the relocation of railway lines or rerouting of railway traffic in urban areas to clear the way for urban improvement and for financial assistance for work done for the protection, safety and convenience of the public as railway crossings.
plans and studies	R.R.&C.Act (CANADA) Part I	Where the government of a province and all the municipalities within an urban area in that province have agreed upon an urban development plan and transportation plan for that area, the province or a municipality may, apply to the Canadian Transport Commission for such orders as the Commission may make and as are necessary to carry out the transportation plan.

TRANSPORTATION (cont'd)

Streets and roads

power of municipality, town and village commission	Municipality Act,ss.133, 136 Towns Act,ss.112,162,164 Village Services Act,s.38 SEE ALSO SUBDIVISION, subdivision regulations, subdivision by-laws	The council of a municipality may vote, rate, collect, receive, appropriate and pay all sums of money required by the municipal unit for laying out, opening, constructing, repairing, improving and maintaining streets, curbs, gutters and sidewalks for any part of the municipal unit and for carrying out any agreements under the Public Highways Act respecting highway and sidewalk construction, improvement and maintenance. A town council may lay out, open, construct, maintain, improve, alter, drain, repair, light, water, clean, and stop up streets, roads, lanes, sidewalks, thoroughfares, bridges, culverts, dykes, jetties and retaining walls as council deems necessary or expedient, and for such purposes, and also for obtaining materials for carrying out any such purposes, may, when necessary or expedient, enter upon and take any land required, and remove any buildings, projections, walls, fences or other things, or any portion thereof. When a town council deems it necessary or expedient to procure material from the seashore or from the shore of any lake or harbour for the purposes of laying out, etc., streets, etc., and no agreement can be made with the owner of the shore or adjacent land, the superintendent of streets may enter, cross over any unimproved lands with workmen, teams or trucks and dig and carry away such materials.

The superintendent may take and transport by boat or otherwise such materials to convenient landing places, and may with workmen and teams or trucks enter upon and cross over any unimproved lands adjacent to such landing places for the purpose of taking and transporting such material from such landing places to the public streets.

This section applies to lands and materials within the municipality of which the town formerly formed a part to the extent of one-half mile beyond the town line.

Village commissioners are empowered to lay out, construct, make and drain streets, roads and sidewalks in the village. They are also empowered to make and carry out agreements relating to sidewalks and improvements on highways and for this purpose have the

by-laws

Municipal Act,s.191
Towns Act, s.221
Village Service Act,s.42

' The council of a municipality and of a town may make by-laws

- protecting and preventing injury to streets, squares, sidewalks, and pavements, and the posts, railings, trees and other fences and ornaments thereof;

- requiring the removal of all fences, houses, steps, erections, projections or obstructions whatsoever, or any part of parts thereof, which now or at any time project into or over any public street, road or sidewalk in the municipal unit and authorizing the removal thereof;

TRANSPORTATION (cont'd)

- preserving bridges built or wholly owned or in part by the municipality or town and preventing injuries thereto;
- regulating the erection and maintenance upon the streets and roads of lamp posts, telegraph, telephone and electric light posts, sign boards, awnings and other fixtures;
- providing for removing all filth, refuse and encumbrances from the streets, sidewalks, roads and alleys;
- prohibiting persons from throwing or depositing ashes, cleanings, refuse, dirt, filth or ordure on any street, road, lane or highway; and
- providing for local improvement charges.

Village commissioners may make by-laws for

- the removal of all filth and encumbrances on streets, sidewalks, roads and alleys within the village and preventing persons from throwing or depositing any dirt, filth or rubbish thereon;
- protecting and preventing injury to streets, squares, sidewalks, pavement and to the posts, railings, trees and ornaments of the village.

TRANSPORTATION (cont'd)

		- providing for the imposing of, fixing or determining of and for the enforcing payment of charges for recovering all or part of the cost of laying out, opening, constructing, repairing, improving and maintaining, streets, curbs, sidewalks, gutters, bridges, culverts and retaining walls whether such cost is incurred by the village commissioners directly or by or under an agreement with the Province, the Federal Government or with any other person, and providing for frontage charges for the same.
title	Towns Act,s.145	All public streets, roads, lanes, sidewalks, thoroughfares, bridges are vested absolutely in the town, and in so far as is consistent with their use by the public, the council has full control over them.
street encroachment	Towns Act,ss.146,147	Where the street committee (appointed by the town council) or in lieu thereof, a town engineer, deems a street encroached upon or encumbered, or where a doubt or dispute exists as to the true line of a street, or as to which side is encroached upon, the street committee or engineer is empowered to, after 10 days written notice to the persons in possession of the land on both sides of the street where the line is in dispute, or to the persons who have caused the encroachment or encumbrance, investigate the matter. They may have a survey made of the street and examine witnesses on oath if necessary.

TRANSPORTATION (cont'd)

		The committee or town engineer is required to determine and mark out the true line of the street and direct the same to be opened to the full width of 66 ft. or to any greater or less width to which it has been extended or confined by its dedication, and shall by order in writing direct and cause all encroachments or encumbrances to be removed such distance as they determine.
- appeal	Towns Act,s.151	There is provision for appeal by any person dissatisfied with the order of the street committee or town council to the Supreme Court in the county in which the town is situated and pending the appeal no further proceedings shall be taken for the enforcement of the order.
building on street line	Towns Act,s.152	Every person proposing to build upon or close to the line of the street shall, before digging the foundation, or commencing the building, apply to the town council to have the line of the street at that place defined and laid out, and shall dig the foundation or erect the building wholly within that line. Any person who erects the building or begins digging the foundation or commences building on the line of any street without making such application and having the line so ascertained and who encroaches on the street is liable to a penalty on summary conviction. Such person shall upon being required to do so by council, forthwith remove the encroachment. Failure to do so within 10 days of such requirement will result in town council having it removed at the expense of the person or taking any other proceedings deemed proper.

TRANSPORTATION (cont'd)
width of streets

Towns Act, ss.166, 167,168

A town council, except as is otherwise provided in the Towns Act, shall not lay out, open or construct nor accept the dedication of any street which is less than 50 ft. in width.

Except in respect of streets dedicated to or owned by a town previous to April 16, 1888, and streets on which, at the date of the incorporation of the town, statute labour was performed or public monies expended, no portion of the revenues of the town shall be paid out or expended on any street unless:

- the street is not less than 50 ft. in width; and
- the lines of the street are approved by town council.

A person is prohibited from laying out, opening or constructing for public use any street over or on his own property unless

- the street is not less than 50 ft. in width, and
- the lines have been approved by council.

A town council may lay out, open or accept the dedication of any street already opened up and built upon by private parties and in use by the inhabitants of the town, where in its opinion great damage would be done to adjoining property by taking the full width of 50 ft.

A town council may, in its discretion, wholly or partially close up or obstruct any street less than 50 ft. in width which is hereafter laid out, opened or dedicated, or which as been heretofore laid out, opened or dedicated contrary to law.

Water transport

federal harbours, wharves, piers and breakwaters	Public Harbours and Port Facilities Act (CANADA)	The use, maintenance and ordinary repairs of all federal harbours, wharves, piers and breakwaters except harbours under the control of the National Harbours Board or any Commissioners appointed by Parliament, are governed by this Act.
	Harbour Commissions Act, (CANADA), ss.3 4,9,13(9) Canada Ports Corporation Act (CANADA)	Harbour Commissions are established for a harbour not named in the Canada Ports Corporation Act (CANADA) or for which a Harbour Commission has not otherwise been established by Parliament. A commission regulates and controls the use and development of all land, buildings and other property within limit of the harbour, and all docks, wharves and equipment erected or used in connection with them. A commission may make by-laws regulating or prohibiting the construction of buildings or other structures and may expropriate land.
ferries	Ferries Act,s.1 SEE ALSO HEALTH REGULATIONS	The council of each municipality may establish ferries over harbours, bays, creeks and rivers within the municipality, and agree with, and grant licenses to, ferrymen on one or both sides thereof, under such regulations, and at such rates of ferriage, as by council are established.
	Municipal Act,ss.133, 136(10)(11),191(70)	The council of a municipal unit is empowered to vote, rate, collect, receive, appropriate or pay money required for the establishment and operation and the assisting in the establishment and operation

Water Transport (cont'd)		of ferries; the establishing, erecting and maintaining or the assisting in the establishment, erection and maintenance of public wharves and landing places. It may make by-laws establishing, licensing, and regulating ferries and fixing the rates and fares thereof.
wharves, public landings	Municipal Act,ss.8(4) 191(37)	All docks, quays, wharves, slips, breakwaters and other structures connected with the shore of any part of a municipality are deemed to be situated within and form part of that municipality. The council of a municipality may, by by-law regulate the use and management of docks, wharves, landings and cranes except where the same are Crown property.
	Wharves and Public Landings Act,ss.1,4	The council of every municipality has the control of all public wharves and public landings, within the municipality and under the jurisdiction and legislative control of the provincial government. Council may make regulations for the preservation and proper keeping of all such wharves and landings.
TREES	SEE FORESTRY, Tree committees, Woodlands	

UNSIGHTLY PREMISES

setback from highway	Unsightly Premises Act, ss.1, 2, 3	No person shall permit premises owned or occupied by him to be or to become unsightly or shall permit to remain on any part of any premises owned or occupied by him any ashes, junk, rubbish, refuse, bodies or parts of automobiles or other vehicles or machinery so as to cause the premises to be unsightly or offensive to any part of the public travelling on a highway. Highway is defined to mean a highway to which the Public Highways Act applies. Premises is defined to mean lands within 500 feet of the centre line of the travelled portion of a highway.
by-law	Municipal Act,s.204 Towns Act,s.222	The council of a municipality or of a town may by by-law prescribe an area in which a person is prohibited from permitting property owned or occupied by him, in any of the areas mentioned in the by-law, to be or become partly demolished, decayed or deteriorated so as to be in a dangerous, unsightly or unhealthful condition, or from permitting to remain on any part of property owned or occupied by him, in those areas, any ashes, junk, cleanings of yards, bodies or parts of automobiles or other vehicles or machinery, or other rubbish or refuse, so as to cause such place to be dangerous, unsightly, unhealthful or offensive to all or any part of the public.

UNSIGHTLY PREMISES		
derelict vehicles	Derelict Vehicle Act, s.2	This Act provides for the removal of derelict vehicles for the purpose of enhancing the environment, and recycling materials. The Minister of the Environment will undertake annual programs and provide funding for the removal of derelict vehicles.
URBAN TRANSIT	SEE TRANSPORTATION, Public transit	
UTILITIES	SEE ELECTRICAL UTILITIES, PUBLIC UTILITIES BOARD	

VALIDATION, CERTAIN PROPERTY TRANSFERS	Real Property Transfer Validation Act,ss.2,4	The failure to comply with the former Planning Act, S.N.S. 1969, c.16, or the former Town Planning Act or any local Act or any regulation or by-law made pursuant to any of these Acts does not affect and is deemed not to affect the creation of any title or interest in real property conveyed or purported to have been conveyed whether by instrument, testamentary document or operation of law on or before April 30, 1977. This section does not affect the rights acquired by any person from a judgment or order of a court given or made in litigation or proceedings commenced on or before April 30, 1977. A devise of real property by a testamentary instrument or an acquisition of real property by the Province or any of its departments, agencies or Crown corporations by any means whatsoever resulting in a division of real property is not a subdivision within the meaning of subdivision as defined by the Planning Act, c.16, nor a subdivision within the meaning of the former Town Planning Act or any local Act or any regulation or by-law made pursuant to any of these Acts.
VOLUNTARY PLANNING	SEE ECONOMIC DEVELOPMENT	

WATER	SEE ALSO BOARDS OF HEALTH, ENVIRONMENTAL PROTECTION, MUNICIPAL PLANNING STRATEGY, RECREATIONAL ACCESS TO LAND, SEWAGE, SUBDIVISION, TRANSPORTATION	
Ditches	Ditches and Watercourses Act,ss.1,3,4,5,6,9,21,24, 25,26	This Act applies to municipalities and incorporated towns. Owners of lands, whether immediately adjoining or not, which would be benefitted by making a ditch or drain, or by deepening or widening an existing ditch or drain, in a natural watercourse, or by making, deepening or widening a ditch or drain for the purpose of removing surplus water or to enable owners or occupiers to better cultivate or use their lands, shall open, make, deepen or widen, such ditch or drain in proportion to their interests in them unless the municipal engineer otherwise directs. Owners must also maintain their section of the ditch or drain in reasonable repair. If they fail to do so, the municipal or town council may order the work done at the owner's expense. Each ditch or drain must be continued to a proper outlet so that no lands, unless with the consent of the owner, will be overflowed or flooded by the construction of any ditch or drain. A ditch or drain may be constructed through one or any number of lots until the proper outlet is reached. An inspector of drains and ditches will examine any ditch or drain constructed under this Act.

WATER (cont'd)

Health regulations	Health Act,ss.1, 11 SEE ALSO ENVIRONMENTAL PROTECTION, HEALTH REGULATIONS	The Minister of Health, with the approval of the Governor in Council, may make regulations with respect to any matter relevant to the public health, and without restricting the generality of the foregoing, may make regulations providing for safe and potable water supplies, for the control of sources of water and systems of distribution, and for the purpose of preventing contamination or pollution of water used for human consumption; and respecting public drains and sewers and for preventing pollution of lakes and streams. Potable is defined to mean fit for human consumption.
Marshes	SEE MARSHES	
Municipality, defined	Water Act, s.1	For the purposes of the Water Act, municipality means city, town, service commission or municipality of a county or district.
Riverbanks	Municipal Act,s.191(43) Towns Act,s.221(37)	The councils of a municipality and of a town may make by-laws for the purpose of preserving river banks.
Service Commission, defined	Water Act,s.1	Service commission is defined to mean a board, commission or corporation created by or under an Act of the Legislature and having power to operate sewage works or water works.

Watercourses

ownership	Water Act,s.2	Every watercourse and the sole and exclusive right to use, divert and appropriate any and all water at any time in any watercourse is vested forever in the Crown and is deemed to have been so vested since May, 1919. Watercourse is defined to mean the bed and shore of every river, stream, lake, creek, pond, spring, lagoon, swamp, marsh, wetland, ravine, gulch or other natural body of water, and the water therein, including ground water, within the jurisdiction of the Province, whether it contains water or not.
permission to use	Water Act,s.3	The Minister of the Environment may authorize any person to use any watercourse and any water therein for such purposes and on such terms and conditions as are deemed proper or advisable, including, in the discretion of the Minister, the payment of compensation to any person whose rights may be injuriously affected. Nothing in the Water Act shall authorize the granting of any fishing right or privilege.
surveys of use of watercourses	Water Act,s.7	The Minister may direct or order that examinations or surveys be made of the use or future use of watercourses for the purposes of public water supply, fishing, agriculture, power development, recreation, domestic use, industrial use or any other purpose or use.

Watercourses (cont'd)		
order prohibiting discharge of material	Water Act, s.8	The Minister may order any person not to discharge or to discontinue the discharge of any material of any kind into a watercourse. This section does not apply if the discharge of material into a water course is approved pursuant to the Health Act, or any other Act or any rule, regulation, order or by-law in accordance with the Health Act, or any other Act.
supervision, control	Water Act,ss.1,9,12	Subject to the Water Act, the Minister and the Environmental Control Council are charged with the general supervision of all watercourses in the Province or in respect of which the Province has jurisdiction and may make all necessary examinations and inquiries and take any action deemed necessary to ensure compliance with the Water Act. Subject to the Water Act, the Minister and the Council have the control and general supervision of: - the use of all surface, ground and shore waters; - the allocation of the use of water; - pollution originating within the jurisdiction of the Province; - alteration of the natural features of any watercourse or lake and the natural movement of water therein. Pollution is defined to mean any alteration of the physical, chemical, biological or aesthetic properties of the waters of the Province, including change of the temperature, taste or odour of the waters, or the addition of any liquid, solid, radioactive, gaseous or other substance to the waters or the removal

Watercourses (cont'd)		of such substances from the waters, which will render or is likely to render the waters harmful to the public health, safety, or welfare, or harmful or less useful for domestic, municipal, industrial, agricultural, recreational or other lawful uses, or for animals, birds or aquatic life.
pollution	Water Act,s.16	No municipality or person shall discharge, deposit, cause or permit a discharge or deposit of any material of any kind into or in any well, aquifer, lake, river, stream, creek, pond, spring, lagoon, swamp, marsh, wetland, reservoir, or other water or watercourse or on any shore or bank thereof or into or in any place that may cause pollution or impair the quality of the water for beneficial use, unless approved by the Minister.
alteration of watercourse by commercial or industrial use	Water Act,s.18	When any municipality or person contemplates a hydroelectric power project, a control dam, a river diversion, a drainage diversion, or any alteration of a watercourse or the water flow therein; or undertakes any action that results or may result in the alteration of a watercourse or the water flow therein; the plans and such other information as the Minister may require shall be submitted to him and no such proposal shall be undertaken or proceeded with until approved by the Minister.
Protected water area		
designation	Water Act,s.17	The Minister may by order designate an area surrounding any source of water supply for a water works as a Protected Water Area and thereupon the person operating a water works and using for it water from that source shall:

Protected Water Area (cont'd)

- give notice that the area has been designated a Protected Water Area by publishing the order in a newspaper having circulation in the county in which the area is located and in the Royal Gazette;
- at the direction of the Minister, post signs in the area indicating that it has been designated a Protected Water Area;
- protect the source of water supply.

The Minister may by order prohibit or regulate the doing of any act in a Protected Water Area that may impair the quality of the water in the source of water supply.

The order must be published with the notice of the designation of the area as a Protected Water Area or in the same manner and shall take effect and have force of law from the date of publication in the Royal Gazette.

compensation

Where by reason of the designation of an area as a Protected Water Area or an order prohibiting or regulating the doing of any act in such an area, property is injuriously affected, the owner of the property, in respect of any matter or thing that has not been the subject of any compensation or payment made under the Water Act or by the Minister of the Environment or some other person shall be entitled to receive compensation for such injury from the person operating the water works.

Protected Water Area (cont'd)		Any question as to whether any property is injuriously affected by a designation or by an order and as to the amount of payment and compensation shall be determined by arbitration and the provisions of the Arbitration Act apply.
Water supply		
public water supply	Health Act,s.41 SEE ALSO SEWAGE, Public sewerage systems; WATER, waterworks; PUBLIC UTILITIES BOARD	When a municipality or a person contemplates the establishment of a public water supply or the extension of an existing supply, the municipality or the person must submit plans and specifications relating to the establishment or extension of the supply, to the Minister of Health and is prohibited from commencing work on the supply or extension until the plans and specifications have been approved by the Minister. A municipality or persons establishing a public water supply or extending an existing supply must not do or perform on the supply any work that is not in accordance with the plans and specifications approved by the Minister. If there is deviation from the plans and specifications approved by the Minister, the medical health officer or sanitary engineer may order the person in charge of the work to discontinue any work that is not in accordance with those plans and specifications and to do such work as is necessary to cause the supply or the extension to conform to those plans and specifications.

Water Supply (cont'd)

power of municipality, town and village commission	Municipal Act,ss.133,136 Towns Act,s.112 Village Service Act,ss.38, 50(4)	The councils of a municipality and a town may enter into and carry out an agreement with one or more cities, towns, villages, or municipalities for establishing, providing, continuing, maintaining or administering the municipal services of supplying water, supplying and use of sewers and sewage disposal by one or more of them jointly or severally, to all or part of the areas of the cities, towns, villages, or municipalities that enter into the agreement. No agreement that provides for the creation of a capital asset has effect until it has been approved by the Minister. The council of a municipality or of a town has the power to vote, rate, collect, receive, appropriate, and pay all sums of money required by the municipality or town for the constructing, altering, extending, improving, repairing, maintaining and operating of a waterworks, or a water system, and the treating of the water and the water system chemically, electrically, mechanically or otherwise in such manner and for such purpose as the council determines.
water rates	SEE PUBLIC UTILITIES BOARD	The Public Utilities Board controls water rates charged by a public water utility, and any deficit resulting from the operation of the utility is made up by the municipal unit from general taxes or, in the case of a rural municipality, by area rates.

Water Supply (cont'd)

With the consent of the Minister of Municipal Affairs a town may extend, construct, alter, improve, maintain and operate its public sewers and drains or its waterworks and water systems or both, outside its limits and in any municipality other than a city or another incorporated town, and may acquire or purchase land, buildings, materials, machinery, implements and plant deemed requisite or advisable therefor and may enter into contracts to supply such services. The town may charge and collect rates, charges or fees for the supply of water or for the use of its drains or sewers in the same way as it could in the the case of similar services within the town.

A village commission may construct, alter, extend, improve or maintain, acquire by purchase or otherwise, sewers, drains and ditches within and without the bounds of the village; construct, alter, extend, improve or maintain, acquire by purchase or otherwise, a waterworks or water system within and without the bounds of the village.

With the consent of the Minister of Municipal Affairs, a village commission may extend, construct, alter, improve, maintain, and operate the public sewers and drains or the waterworks or water system, outside the limits of the village and may acquire, or purchase land, buildings, materials, machinery, implements and plant deemed requisite or advisable therefor, and may enter into contracts to supply such services.

Water Supply (cont'd) wells		
- condition, location	Health Act,s.37	All wells, whether public or private, must be kept in a safe and sanitary condition. They must be located so as to be free from danger of contamination from stables, barns, sewers, privies, cesspools or from any other source. If the Board of Health is of the opinion that a well is not in a safe and sanitary condition, the Board may order that the well be filled up or closed and upon such order being made, the owner of the well is require to fill it up or close it.
- municipal by-laws	Municipal Act,s.191 Towns Act,s.221	The councils of a municipality and of a town may make by-laws regulating, prohibiting and licensing the digging of wells.
- license to drill	Well Drilling Act, ss.1,2,3,4	A person is prohibited from carrying on the business of well drilling or from holding himself out as a well driller unless he holds a license issued by the Minister of Environment authorizing him to carry on the business of well drilling. Drill is defined to mean to construct a well by drilling, boring, digging, washing, coring or by any other method by which a well can be constructed.

Water Supply (cont'd)		Well is defined to mean an artificial opening in the ground from which water is obtained or made for the purpose of exploring for or obtaining water.
- regulations	Well Drilling Act,s.9	The Governor in Council may make regulations, subject to the Health Act, regulating and controlling the location, spacing, drilling, construction, testing, alteration, repairing, sealing and capping of wells, and the materials, methods, and equipment used in drilling, constructing, testing, altering or repairing, sealing or capping wells.
Water works	Water Act,s.13 SEE ALSO SEWAGE, Sewage works; WATER, Water supply, public water supply	When a municipality or person contemplates the establishment of water works, or the extension or change in an existing water works, the plans, to be undertaken, together with such other information as the Minister may require, must be submitted to the Minister of Environment, and no such work shall be undertaken or proceeded with until the source of water supply and the proposed works have been approved by the Minister. Where in the opinion of the Minister it is in the public interest to do so,. the Minister may refuse to grant his approval or grant his approval on such terms and conditions as he deems necessary. Where in the opinion of the Minister of Health, the quality of water in an existing water works is a menace to the public health, or any existing water works require alterations, the Minister may order alterations or additions to be made by the municipality or person operating the same and in such manner and within such time as he directs.

Water works (cont'd)		Water works shall at all times be maintained, kept in repair and operated in such manner and with such facilities as may be directed from time to time by the Minister.
Water and sewage works authorities	Water Act,s.21	The Governor in Council may create a body or bodies to acquire, establish, enlarge, maintain or operate any water works or sewage works, or any of them and may constitute a body so created a body corporate. An order creating such a body may prescribe its duties and powers including the powers to acquire, establish, enlarge, operate or maintain water works or sewage works or both; power to hold real and personal property and to dispose of it; power to charge and collect fees and charges from persons to whom services are provided; and the authority to accept power to operate water works or sewage works on behalf of others.
agreements re water and sewage works	Water Act,s.22	The Governor in Council is given the power to enter into and carry out an agreement with the Government of Canada or a member or agency thereof, or with another person, municipality or corporation providing for cooperation in the acquisition, construction, establishment, maintenance or operation of water works or sewage works for the purpose of assisting in the development or expansion of an industry or for municipal purposes.

ZONING BY-LAWS SEE LAND-USE BY-LAW

APPENDIX A

Agriculture and Marketing Act	Minister of Agriculture and Marketing
Agriculture and Rural Credit Act	Minister of Agriculture and Marketing
Angling Act	Minister of Agriculture and Marketing
Assessment Act	Minister of Municipal Affairs
Beaches and Foreshores Act	Minister of Lands and Forests
Beaches Preservation and Protection Act	Minister of Lands and Forests
Building Access Act	Minister of Municipal Affairs
Building Code Act	Minister of
Business Capital Corporation Act	Minister of Industry, Trade and Technology
Camping Establishments Regulation Act	Minister of Tourism and Culture
Canada Mortgage and Housing Corporation Act (Canada)	Minister Responsible for CMHC
Canada-Nova Scotia Oil and Gas Agreement (N.S.) Act	Minister of Mines & Energy
Canada Ports Corporation Act (Canada)	Minister of Transport
Children's Services Act	Minister of Community Services
Coal Mines Regulation Act	Minister of Mines & Energy
Common Fields Act	Minister of Agriculture and Marketing
Condominium Act	Minister of Consumer Affairs
Council of Maritime Premiers, An Act to Establish	Premier
Court and Penal Institutions	Solicitor General
Cultural Foundation Act	Minister of Tourism and Culture
Culture, Recreation & Fitness Act	Minister of Tourism and Culture
Day Care Act	Minister of Community Services
Ditches and Watercourses Act	Minister of Environment
Education Act	Minister of Education
Energy and Mineral Resources Conservation Act	Minister of Mines & Energy
Environmental Protection Act	Minister of Environment
Expropriation Act	Attorney General
Fences and Detention of Stray Livestock Act	Minister of Municipal Affairs
Fences and Impounding of Animals Act	Minister of Municipal Affairs
Ferries Act	Minister of Transportation
Fire Prevention Act	Minister of Labour
Fisheries Act (Canada)	Minister of Fisheries and Oceans
Fisheries Act (N.S.)	Minister of Fisheries (N.S.)
Fisheries Development Act	Minister of Fisheries (N.S.)
Forest Enhancement Act	Minister of Lands and Forests

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Gas Storage Exploration Act	Minister of Mines & Energy
Gas Utilities Act	Minister of Mines & Energy
Harbour Commissions Act	Minister of Transport (Canada)
Health Act	Minister of Health and Fitness
Heritage Property Act	Minister of Tourism and Culture
Historical Sites and Monuments Act (Canada)	Minister of Indian Affairs and Northern Development
Homeowners' Incentive Act	Attorney General
Homes for Special Care Act	Minister of Community Services
Hospitals Act	Minister of Health and Fitness
Hotel Regulations Act	Minister of Tourism and Culture
Housing Act	Minister of Housing
Industrial Commissions Act	Minister of Municipal Affairs
Industrial Development Act	Minister of Industry, Trade and Technology
Irish Moss Act	Minister of Lands and Forests
Land Holdings Disclosure Act	Minister of Lands and Forests
Lands and Forests Act	Minister of Lands and Forests
Liability of Occupiers of Land, An Act Respecting	Attorney General
Maritime Marshland Rehabilitation Act (Canada)	Minister of Agriculture (Canada)
Maritime Provinces Higher Education Act	Premier
Marshland Reclamation Act	Minister of Agriculture and Marketing
Metalifferous Mines and Quarries Regulation Act	Minister of Mines & Energy
Metropolitan Authority of Halifax, Dartmouth, and the County of Halifax	Minister of Municipal Affairs
Mineral Resources Act	Minister of Mines & Energy
Municipal Act	Minister of Municipal Affairs
Municipal Board Act	Minister of Municipal Affairs
Municipal Boundaries and Representation Act	Minister of Municipal Affairs
Municipal Housing Corporations Act	Minister of Municipal Affairs
National Housing Act (Canada)	Minister Responsible for CMHC
Nova Scotia Hospital Act	Minister of Health and Fitness
Nova Scotia Land Surveyors Act	Attorney General
Nova Scotia Museum Act	Minister of Education
Occupiers' Liability Act	Attorney General
Offshore Oil and Gas Act	Minister of Mines & Energy
Oil and Gas Production and Conservation (N.S.) Act	Minister of Mines & Energy
Oyster Fisheries Act	Minister of Fisheries

APPENDIX A

Parks Development Act	Minister of Lands and Forests
Partition Act	Attorney General
Petroleum Resources Act	Minister of Mines & Energy
Pipeline Act	Minister of Mines & Energy
Planning Act	Minister of Municipal Affairs
Potato Industry Act	Minister of Agriculture and Marketing
Power Corporation Act	Premier
Private Ways Act	Minister of Transportation
Protection of Property Act	Attorney General
Provincial Parks Act	Minister of Lands and Forests
Public Harbours and Port Facilities Act (Canada)	Minister of Transport
Public Highways Act	Minister of Transportation
Public Service Act	Premier
Public Utilities Act	Attorney General
Railway Relocation and Crossing Act (Canada)	Minister of Transport (Canada)
Real Property Transfer Validation Act	Attorney General
Registry Act	Attorney General
Regulations Act	Attorney General
Rental Property Conversion Act	Minister of Consumer Affairs
Rural Fire District Act	Minister of Municipal Affairs
Salvage Yards Licensing Act	Minister of Transportation and P.U.B.
School Boards Membership Act	Minister of Education
Sea Plants Harvesting Act	Minister of Fisheries
Senior Citizens' Financial Aid Act	Minister of Community Services
Senior Citizens' Secretariat Act	Minister of Community Services
Senior Citizens' Social Services Act	Minister of Community Services
Shopping Center Development Act	Minister of Municipal Affairs
Small Business Development Act	Minister of Small Business Development
Special Places	Minister of Education
Towns Act	Minister of Municipal Affairs
Unsightly Premises Act	Minister of Transportation
Village Service Act	Minister of Municipal Affairs
Voluntary Planning Act	Minister of Small Business Development
Water Act	Minister of Environment
Well Drilling Act	Minister of Environment

APPENDIX C

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APPENDIX C

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APPENDIX C

FEDERAL STATUTES

Copies of federal legislation are available for a fee.

Publications Centre
Supply and Services, Canada
Hull, Quebec
K1A 0S9

PROVINCIAL STATUTES

Copies of any provincial statute are available for a fee.

N.S. Government Bookstore
1700 Granville Street
P. O. Box 637
Halifax, Nova Scotia
B3J 2T3
Phone: 902-424-7580

PROVINCIAL REGULATIONS

Copies of provincial regulations may be obtained for a fee by contacting.

Registrar of Regulations
1723 Hollis Street
Halifax, Nova Scotia
B3J 2L6
Phone: 902-424-6723

MUNICIPAL BY-LAWS

Information regarding municipal by-laws may be obtained by contacting the clerk or the municipal unit concerned, or by contacting the Department of Municipal Affairs, Legal Division.

THE PLANNING ACT, NOVA SCOTIA

Administration:

Planning Division
Department of Municipal Affairs
P. O. Box 216
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Phone: 902-424-3980

Planning Field Offices:

1. Provincial Subdivision Office
Dept. of Municipal Affairs
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PHONE: 1-742-3513
(toll-free)

2. Provincial Subdivision Office
Dept. of Municipal Affairs
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